Vol. LXVIII

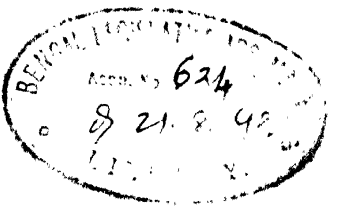
Assembly Proceedings

Official Report

Bengal Legislative Assembly

Nineteenth Session, 1944

The 20th, 21st, 22nd and 23rd November and 4th, 5th, 6th, 7th, 8th, 11th, 12th, 13th, 14th, 15th, 18th and 19th December, 1944



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1945

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble RICHARD GARDINER CASEY, C.H., D.S.O., M.C.

MEMBERS OF THE COUNCIL OF MINISTERS.

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The Hon'ble Mr. H. S. SUHRAWARDY, in charge of the Department of Civil Supplies.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI, in charge of the Finance Department.

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The Hon'ble Mr. TARAK NATH MUKERJEA, M.B.E., in charge of the Revenue Department (Evacuation and Relief).

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The Hon'ble Mr. PREMHARI BARMA, in charge of the Forests and Excise Department.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD, in charge of the Department of Public Health and Local Self-Government.

The Hon'ble Mr. PULIN BEHARY MULLICK, in charge of the Publicity Department.

The Hon'ble Mr. JOGENDRA NATH MANDAL, in charge of the Co-operative Credit and Rural Indebtedness Department.

BENGAL LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Mr. SYED NAUSHER ALI.

DEPUTY SPEAKER.

SYED JALALUDDIN HASHEMY, Esq.

SECRETARY.

A. R. MUKHERJEE, Esq., M.Sc., B.L.

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Aziz, Maulana Md. [Narayanganj East (Muhammadan).]
Abdul Hafiz, Md. Mirza. [Tangail West (Muhammadan).]
Abdul Hafiz Mia, Mr. [Kurigram South (Muhammadan).]
Abdul Hakeem, Mr. [Khulna (Muhammadan).]
Abdul Hakim, Maulvi. [Mymensingh West (Muhammadan).]
Abdul Hakim Vikrampuri, Maulvi Md. [Munshiganj (Muhammadan).]
Abdul Halim Molla, Mr. Muhammad. [Nadia West (Muhammadan).]
Abdul Hamid, Mr. A. M. [Pabna West (Muhammadan).]
Abdul Hamid Shah, Maulvi. [Kishoreganj North (Muhammadan).]
Abdul Jabbar, Maulvi. [Dinajpur Central East (Muhammadan).]
Abdul Jabbar Palwan, Mr. Md. [Jamalpur North (Muhammadan).]
Abdul Kader, Mr. [Patuakhali South (Muhammadan).]
Abdul Karim, Mr. [Jamalpur *cum* Muktagacha (Muhammadan).]
Abdul Latif Biswas, Maulvi. [Manikganj West (Muhammadan).]
Abdul Majid, Maulvi. [Mymensingh North (Muhammadan).]
*Abdul Majid, Mr. Syed. [Noakhali South (Muhammadan).]
Abdul Motaleb Malik, Dr. [Nadia East (Muhammadan).]
Abdul Wahab Khan, Khan Bahadur. [Bakarganj West (Muhammadan).]
Abdul Wahed, Maulvi. [Mymensingh East (Muhammadan).]
*Abdulla-Al Mahmood, Mr. [Serajganj North (Muhammadan).]
*Abdur Rahman, Khan Bahadur A. F. M. [24-Parganas North-East (Muhammadan).]
Abdur Rahman Siddiqi, Mr. (Muslim Chamber of Commerce.)
Abdur Rasheed, Maulvi Md. [Birbhum (Muhammadan).]
Abdur Raschid Mahmood, Mr. [Serajganj North (Muhammadan).]
Abdur Rauf, Khan Bahadur Maulvi S. [Howrah (Muhammadan).]
Abdur Rauf, Khan Bahadur Shah. [Rangpur South (Muhammadan).]
Abdur Razzak, Maulvi. [Feni (Muhammadan).]
Abdus Shaheed, Maulvi Md. [Dacca North Central (Muhammadan).]
Abidur Reza Chowdhury, Khan Bahadur Maulvi. [Chandpur West (Muhammadan).]
Abu Hossain Sarkar, Maulvi. [Gaibandha North (Muhammadan).]
Abul Fazl, Mr. Muhammad. [Madaripur West (Muhammadan).]
Abul Hashim, Maulvi. [Burdwan (Muhammadan).]
Abul Hosain Ahmed, Mr. [Netrokona North (Muhammadan).]
Abul Masud, Maulvi Kazi. [Nator (Muhammadan).]

*Parliamentary Secretary.

Abul Quasem, Maulvi. [Hooghly (Muhammadan).]
Aftab Ali, Mr. (Water Transport Trade Union.)
Ahmed Ali Enayetpuri, Khan Bahadur Maulana. [Jhenidah (Muhammadan).]
Ahmed Ali Mridha, Maulvi. [Goalundo (Muhammadan).]
Ahmed Hosain, Mr. [Gaibandha South (Muhammadan).]
Ahmed Khan, Mr. Syed. [Noakhali South (Muhammadan).]
Alfazuddin Ahmed, Khan Bahadur Maulvi. [Midnapore (Muhammadan).]
Aminuilah, Khan Sahib Maulvi. [Noakhali Central (Muhammadan).]
Amir Ali Mia, Maulvi Md. [Rajshahi South (Muhammadan).]
Anwarul Azim, Khan Bahadur Md. [Chittagong South (Muhammadan).]
Asimuddin Ahmed, Mr. [Tippera Central (Muhammadan).]
Aulad Hossain Khan, Khan Bahadur Maulvi. [Manikganj East (Muhammadan).]
Azhar Ali, Maulvi. [Pabna East (Muhammadan).]

B

Badrudduja, Mr. Syed. [Berhampore (Muhammadan).]
Badi Ahmed Chaudhury, Khan Bahadur Haji. (Chittagong Landholders).
Banerjee, Mr. Pramatha Nath. [Burdwan North-West (General).]
Banerjee, Mr. Sibnath. [Howrah (Registered Factories).]
Banerjee, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]
Banerji, Mr. P. [24-Parganas North-West (General).]
Banerji, Mr. Satya Priya. [Rajshahi (General).]
Barat Ali, Mr. Mohammad. [Serajganj Central (Muhammadan).]
Barma, the Hon'ble Mr. Premhari. [Dinajpur (General).]
Barma, Mr. Puspajit. [Rangpur (General).]
Barman, Babu Shyama Prosad. [Dinajpur (General).]
Barman, Mr. Upendra Nath. [Jalpaiguri *cum* Siliguri (General).]
Basu, Mr. Jatindra Nath. [Calcutta North (General).]
Basu, Mr. Santosh Kumar. [Calcutta East (General).]
Bell-Hart, Miss P. B. (Anglo-Indian Constituency.)
Bhowmik, Dr. Gobinda Chandra. [Midnapore East (General).]
Birkmyre, Sir Henry, Bart. [Hooghly *cum* Howrah (European).]
Biswas, Babu Lakshmi Narayan. [Nadia (General).]
*Biswas, Mr. Rasik Lal. [Jessore (General).]
Biswas, Mr. Surendra Nath. [Faridpur (General).]
Bose, Mr. Sarat Chandra. [Calcutta South (General).]

C

Chakrabarty, Mr. Jatindra Nath. [Rangpur (General).]
Chakrabarty, Babu Narendra Narayan. [Bogra *cum* Pabna (General).]
Chattopadhyay, Mr. Haripada. [Nadia (General).]
Chaudhuri, Rai Harendra Nath. [24-Parganas Municipal (General).]
Chippendale, Mr. J. W. (Anglo-Indian.)
Clark, Mr. I. A. [Burdwan Division (European).]
Corstorphine, Mr. E. E. (Indian Tea Association.)

D

Das, Babu Manmathi Nath. [Jhargram *cum* Ghatal (General).]
Das, Babu Radha Nath. [Hooghly North-East (General).]
*Das, Rai Sahib Anukul Chandra. [24-Parganas North-West (General).]
Das, Rai Bahadur Kirit Bhusan. [Murshidabad (General).]
Das, Rai Sahib Monomohan. [Mymensingh East (General).]
Dass, Babu Debendra Nath. [Birbhum (General).]
Das Gupta, Babu Khagendra Nath. [Jalpaiguri *cum* Siliguri (General).]
Das Gupta, Dr. J. M. [Calcutta Central (General).]
Das Gupta, Srijut Narendra Nath. [Bakarganj South-West (General).]

* Parliamentary Secretary.

Datta, Mr. Dhirendra Nath. [Tippera (General).]
Dolui, Mr. Harendra Nath. [Jhargram *cum* Ghatal (General).]
Dutta, Mr. Sukumar. [Hooghly South-West (General).]
Dutta Gupta, Miss Mira. [Calcutta General (Women).]
Dutta Mazumdar, Mr. Niharendu. [Barrackpore (Registered Factories).]

E

Edbar, Mr. Upendranath. [Bakarganj South-West (General).]
Emdadul Haque, Kazi. [Kurigram North (Muhammadan).]

F

Farhad Raza Chowdhury, Mr. M. [Jangipur (Muhammadan).]
Farhat Bano Khanam, Begum. [Dacca (Muhammadan) Women.]
Fazlul Huq, Mr. A. K. [Patuakhali North (Muhammadan).]
Fazlul Qadir, Khan Bahadur Maulvi. [Chittagong North-West (Muhammadan).]
Fazlur Rahman, Khan Bahadur. [Jamalpur East (Muhammadan).]
*Fazlur Rahman, Mr. (Dacca University.)
Ferguson, Mr. F. F. M. (Bengal Chamber of Commerce.)

G

Ganguly, Mr. Pratul Chandra. [East Bengal Municipal (General).]
Ghose, Mr. Atul Krishna. [Jessore (General).]
Giasuddin Ahmed, Mr. [Jamalpur West (Muhammadan).]
Gladding, Mr. D., C.I.E. [Bengal Chamber of Commerce.]
Golam Rabbani Ahammad, Maulvi. [Dinajpur Central West (Muhammadan).]
Golam Sarwar Hosaini, Mr. Shah Syed. [Ramganj *cum* Raipur (Muhammadan).]
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Goswami, the Hon'ble Mr. Tulsi Chandra. [Burdwan Division North Municipal (General).]
Griffiths, Mr. C. (Anglo-Indian.)
Gupta, Mr. Jogesh Chandra. [Calcutta South Central (General).]
*Gupta, Mr. J. N. [Railway Trade Union (Labour).]
Gurung, Mr. Damber Singh. [Darjeeling (General).]
Gyasuddin Ahmed Choudhury, Al-Haj. [Madaripur East (Muhammadan).]

H

Habibullah, Nawab Bahadur K., of Dacca. [Dacca Municipal (Muhammadan).]
Hafizuddin Choudhuri, Maulvi. [Thakurgaon (Muhammadan).]
*Hamiduddin Ahmad, Khan Sahib. [Kishoreganj East (Muhammadan).]
Hamilton, Mr. K. A. (Calcutta Trades Association.)
Hasan Ali Chowdhury, Mr. Syed. [Tangail North (Muhammadan).]
Hasanuzzaman, Khan Sahib Maulvi Md. [Tippera South (Muhammadan).]
Hashem Ali Khan, Khan Bahadur Maulvi. [Bakarganj North (Muhammadan).]
Hasina Murshed, Mrs., M.B.E. [Calcutta (Muhammadan) Women.]
Hatemally Jamadar, Khan Sahib Maulvi. [Pirojpur South (Muhammadan).]
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Hirtzel, Mr. M. A. F., O.B.E. (Bengal Chamber of Commerce.)
Hodge, Mr. H. Rowan. (Bengal Chamber of Commerce.)

I

Idris Ahmed Mia, Mr. [Malda South (Muhammadan).]
Ispahani, Mr. M. A. H., M.B.E. [Calcutta South (Muhammadan).]

*Parliamentary Secretary.

J

Jalaluddin Ahmad, the Hon'ble Khan Bahadur Maulvi. [Cox's Bazar (Muhammadan).]
Jalaluddin Hashemy, Mr. Syed. [Satkhira (Muhammadan).]
Jalan, Mr. I. D. [Calcutta West (General).]
Jasimuddin Ahmed, Khan Bahadur Maulvi. [24-Parganas South (Muhammadan).]
Jonab Ali Majumdar, Maulvi. [Chandpur East (Muhammadan).]

K

Kabiruddin Khan, Khan Bahadur Maulvi. [Netrokona South (Muhammadan).]
Kazem Ali Mirza, Sahibzada Kawan Jah Syed. [Murshidabad South-West (Muhammadan).]
Kennedy, Mr. I. G. (Indian Jute Mills Association.)
Khaitan, Mr. Debi Prosad. (Indian Chamber of Commerce.)
Khan, Mr. Debendra Lall. [Midnapore Central (General).]
Kumar, Mr. Atul Chandra. [Malda (General).]
Kundu, Mr. Nishitha Nath. [Dinajpur (General).]

L

Lahiri, Babu Ashutosh. [North Bengal Municipal (General).]
Leisk, Mr. John. [Calcutta and Suburbs (European).]

M

MacIntosh, Mr. G., C.B.E., [Rajshahi Division (European).]
Mafizuddin Ahmed, Dr. [Bogra North (Muhammadan.)]
*Mafizuddin Ahmed, Khan Sahib Maulvi. [Tippera North (Muhammadan).]
Maguire, Mr. L. T. (Anglo-Indian.)
Mahtab, Maharajadhiraja Bahadur Uday Chand, of Burdwan. [Burdwan Central (General).]
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Maji, Mr. Adwaita Kumar. [Burdwan Central (General).]
Majumdar, Mrs. Hemaprova. [Dacca (General) Women.]
Majumdar, Babu Jnanendra Chandra. [Mymensingh East Rural (General).]
Mal, Mr. Iswar Chandra. [Midnapore South-West (General).]
Mandal, Mr. Amrita Lal. [Mymensingh West (General).]
*Mandal, Mr. Banku Behari. [Burdwan North-West (General).]
Mandal, Mr. Birat Chandra. [Faridpur (General).]
Mandal, Rai Sahib Jagat Chandra. [Tippera (General).]
Mandal, the Hon'ble Mr. Jogendra Nath. [Bakarganj North-East (General).]
Mandal, Mr. Krishna Prasad. [Midnapore Central (General).]
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Maniruzzaman Islamabadi, Maulana Md. [Chittagong South Central (Muhammadan).]
Maqbul Hosain, Mr. [Tippera North-East (Muhammadan).]
Masud Ali Khan Panni, Al-Hadj Maulvi. [Tangail South (Muhammadan).]
Methold, Mr. J. H. [Calcutta and Suburbs (European).]
*Mohammed Ali, Khan Bahadur. [Bogra West (Muhammadan).]
Mohsin Ali, Mr. Md. [Meherpur (Muhammadan).]
Mookerjee, Dr. Syamaprasad. (Calcutta University.)
Morgan, Mr. G., C.I.E., [Presidency Division (European).]
Moslem Ali Mollah, Maulvi M. [Rajshahi Central (Muhammadan).]
Mozammel Huq, Maulvi Md. [Bhola North (Muhammadan).]

*Parliamentary Secretary.

Muhammad Afzal, Khan Bahadur Maulvi Syed. [Pirojpur North (Muhammadan).]
Muhammad Ibrahim, Maulvi. [Noakhali North (Muhammadan).]
Muhammad Ishaque, Maulvi. [Bogra South (Muhammadan).]
Muhammad Israil, Maulvi. [Kishoreganj South (Muhammadan).]
Muhammad Siddique, Khan Bahadur Dr. Syed. [Bankura (Muhammadan).]
Muhammad Solaiman, Khan Bahadur Maulvi. [Barrackpore Municipal (Muhammadan).]
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E., (Burdwan Landholders' Constituency.)
Mukerji, Mr. Dhirendra Narayan. (Hooghly North-East.)
Mukherjee, Mr. B. [Colliery (Coal Mines) (Labour).]
Mukherji, Dr. H. C. [Calcutta *cum* Presidency Division (Indian Christian).]
Mukherji, Dr. Sharat Chandra. [Birbhum (General).]
Mullick, Srijut Ashutosh. [Bankura West (General).]
Mullick, Mr. Mukunda Behari. [Khulna (General).]
Mullick, the Hon'ble Mr. Pulin Behari. [Howrah (General).]
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur. [Jalpaiguri *cum* Darjeeling (Muhammadan).]
Mustagawsal Haque, Mr. Syed. [Bagerhat (Muhammadan).]
Mustafa Ali Dewan, Maulvi. [Brahmanbaria North (Muhammadan).]

N

Nandy, Maharaja Srischandra, of Cossimbazar. (Presidency Landholders.)
*Nasarullah, Nawabzada K. [Brahmanbaria South (Muhammadan).]
Nasker, Mr. Hem Chandra. [24-Parganas South-East (General).]
Nausher Ali, the Hon'ble Mr. Syed. [Jessore Sadar (Muhammadan).]
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]
Nooruddin, Mr. K. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Norton, Mr. H. R., M.B.E. (Calcutta Trades Association.)

P

Pain, the Hon'ble Mr. Barada Prosanna [Hooghly *cum* Howrah Municipal (General).]
Paul, Sir Hari Sankar. (Bengal National Chamber of Commerce.)
Poddar, Mr. Anandilall. (Marwari Association.)
Powell, Mr. J. A. [Calcutta and Suburbs (European).]
Vacant. [Malda (General).]

R

Rahman, Dr. Sir A. F. [Nilphamari (Muhammadan).]
Raikut, Mr. Prasanna Deb. [Jalpaiguri *cum* Siliguri (General).]
Rajibuddin Tarafdar, Maulvi. [Bogra East (Muhammadan).]
Ramizuddin Ahmed, Mr. [Tippera West (Muhammadan).]
Razaur Rahman Khan, Mr. [Dacca South Central (Muhammadan).]
Roy, Mr. Charu Chandra. [Mymensingh West (General).]
Roy, Mr. Dhananjoy. [Dacca East (General).]
Roy, Mr. Kamalkrishna. [Bankura East (General).]
Roy, Mr. Kiran Sankar. [Dacca West (General).]
Roy, Mr. Manmatha Nath. [Howrah (General).]
Roy, Mr. Patiram. [Khulna (General).]
Roy, Kumar Shib Shekhareswar. (Rajshahi Landholders.)

S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]
Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]
Sahabe Alum, Mr. Syed. [Dacca Central (Muhammadan).]

*Parliamentary Secretary.

Salim, Mr. S. A. [Narayanganj North (Muhammadan).]
Sanaullah, Dr. [Chittagong North-East (Muhammadan).]
Sanyal, Dr. Nalinaksha. [Presidency Division Municipal (General).]
Sanyal, Mr. Sasanka Sekhar. [Murshidabad (General).]
Sarker, Babu Madhusudan. [Bogra *cum* Pabna (General).]
Sen, Mr. Atul Chandra. [Dacca East (General).]
Sen, Mr. Dhirendra Nath. (Bengal National Chamber of Commerce.)
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas South-East (General).]
Sen, Babu Nagendra Nath. [Khulna (General).]
Sen Gupta, Mrs. Nelli. [Chittagong (General).]
*Serajul Islam, Mr. [Bongaon (Muhammadan).]
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E. [Narayanganj South (Muhammadan).]
Shahedali, Mr. [Matlabbazar (Muhammadan).]
Shamsuddin Ahmed, Mr. [Kusthia (Muhammadan).]
Shamsuddin Ahmed Khondkar, Mr. [Gopalganj (Muhammadan).]
Shamsul Huda, Maulana. [Mymensingh South (Muhammadan).]
Singha, Maharaja Bhupendra Chandra, of Susang. (Dacca Landholders.)
Singha, Babu Kshetra Nath. [Rangpur (General).]
Sinha, Srijut Manindra Bhusan. [Bankura West (General).]
Sirdar, Babu Litta Munda. [Bengal Dooars (Western) Tea Garden Labour.]
Smyth-Osbourne, Mr. D. G. [Darjeeling (European).]
Smart, Mr. J. N. [Dacca Division (European).]
Stark, Mr. A. F. [Calcutta and Suburbs (European).]
Stevenson, Mr. R. A. H. (Indian Tea Association.)
Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]
Sur, Mr. Harendra Kumar. [Noakhali (General).]

T

Tamizuddin Khan, the Hon'ble Mr. [Faripur West (Muhammadan).]
Thakur, Mr. Promatha Ranjan. [Faridpur (General).]
Thorman, Mr. C. M. [Chittagong Division (European).]
Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]
Walker, Mr. J. R. (Bengal Chamber of Commerce.)
Walker, Mr. W. A. M., C.B.E. (Indian Jute Mills Association.)
Whitehead, Mr. R. B. (Indian Mining Association.)
Wordsworth, Mr. W. C., C.I.E. (Bengal Chamber of Commerce.)

Y

Yousuf Mirza. [24-Parganas Central (Muhammadan).]
*Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]
Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]
Zillur Rahman Shah Chowdhury, Maulvi. [Balurghat (Muhammadan).]

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*Parliamentary Secretary.

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the Nineteenth Session.

Volume LXVIII

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 20th November, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 11 Hon'ble Ministers and 191 members.

Oath.

Mr. F. F M Ferguson took the oath of allegiance to the Crown.

Obituary.

Mr. SPEAKER: Ladies and gentlemen, before we proceed with the business of the House it is my sad duty to refer to deaths of Khan Bahadur A. M. L. Rahman, a sitting member of this House, Rai Bahadur Dr. Haridhan Dutt and Mr. S. M. Masih.

Mr. A. M L Rahman died on the 7th September, 1944, at his residence at Lansdowne Road Born of a well known Zemindar family of Jalpaiguri he was educated in England and was a gentleman in the true sense of the term. As a member of this Assembly from its very inception he won the admiration of all who came in contact with him by his sweet, amiable and unassuming manners.

Rai Bahadur Dr. Haridhan Dutt died at his Calcutta residence on the 19th September, 1944. For many years he was a member of the old Bengal Legislative Council and also held other important positions such as Councillor of Calcutta Corporation and member of the Calcutta Improvement Trust. During his long association with the Corporation for a period of nearly 31 years he initiated and took leading part in various activities for the improvement of the city and also rendered distinguished service to it in many other ways.

Mr. S. M. Masih passed away on the 22nd October, 1944, at Calcutta. He was a member of the old Bengal Legislative Council from 1924-26. A gentleman of pleasant and amiable manners he took interest in the upliftment of his community.

Ladies and gentlemen, I feel it is the desire of the House to send messages of condolence to the bereaved families. I hope members will signify their assent by rising in their seats.

(Members rose in their seats.)

Thank you, ladies and gentlemen, Secretary will take necessary action.

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provisions of rule 6 of the Bengal Legislative Assembly Procedure Rules, I nominate the following members of the Assembly to form a panel of four Chairmen for the ensuing session :—

(1) Mr. Kiran Sankar Roy,
(2) Mr. J. R. Walker,

(3) Mr. Syed Badrudduja, and
(4) Mr. Mukunda Behary Mullick

unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of the Deputy Speaker.

Commitee of Petitions.

Mr. SPEAKER: In accordance with the provisions of rule 82 of the Bengal Legislative Assembly Procedure Rules, I nominate the following seven members of the Assembly to form the Committee on Petitions with the Deputy Speaker as Chairman:—

(1) Dr. Syamaprasad Mookerjee.
(2) Mr. Santosh Kumar Basu.
(3) Mr. Shamsuddin Ahmed.
(4) Mr. W. C. Wordsworth, C.I.E.
(5) Mr. Mirza Abdul Hafiz.
(6) Mr. Narendra Narayan Chakrabarty.
(7) Mr. Kshetra Nath Singha.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, before we proceed with the business of the House today, I wish to draw your attention to question No. 1. To this question, the answer is that the prisoner was released in June, 1943. But the question is coming in November, 1944. This shows that the question came to your office before June, 1943, and that it is a sad arrangement of the office. I draw your attention to that. These important questions relating to security prisoners must be attended to promptly.

Khan Bahadur MOHAMMED ALI: Sir, this question was on the order paper during the last session of the Assembly and was not taken up then. That is why it has been carried over to this session. The answer was sent during the last session!

Mr. SPEAKER: I can give you certain figures. This question was received in the office of the Assembly on the 4th March, 1943, and was sent to the department concerned on the 8th March, 1943. The answer was received on the 20th June, 1944. So the matter rests there. It is a matter entirely for the House.

Dr. NALINAKSHA SANYAL: Sir, before we proceed with the questions today, may I invite your attention to the Committee on Petitions just constituted by you under rule 82 wherein it is stated that you are to nominate certain members. Sir, it has been the previous practice of this House that before making nominations the Speaker used to consult the leaders of the various groups in the House and in particular I remember, Sir, the leader of my party has always been so consulted. May we enquire if on this occasion you have consulted anybody and if so, whom?

Mr. SPEAKER: I will enquire into the matter and let you know.

STARRED QUESTIONS

(to which oral answers were given)

Release of security prisoner Sj. Kamal Krishna Ray.

*1. **Mr. NIKUNJA BEHARI MAITY:** (a) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(i) whether Sj. Kamal Krishna Ray, M.L.A., a security prisoner in Midnapore Central Jail, was arrested on the 16th September, 1942, while suffering from high fever and was lodged in the said jail in that condition;

(*ii*) the number of days he was detained in the jail hospital;

(*iii*) when he has been re-admitted in the said hospital;

(*iv*) whether he is still bedridden due to gallstone and unable to move about; and

(*v*) whether he has been X'rayed for proper diagnosis?

(*b*) If the answer to (*a*)(*v*) is in the negative, is the Hon'ble Minister considering the desirability of getting him X'rayed for the purpose?

(*c*) Will the Hon'ble Minister be pleased to state whether in view of his present state of health, the Government are considering the desirability of—

(*i*) transferring him to the Calcutta Medical College Hospital for treatment; and

(*ii*) releasing him?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin:) (*a*) and (*b*) Babu Kamal Krishna Ray was released in July, 1943.

(*c*) Does not arise.

Proposed Enquiry Committee for Dacca Jail incident.

*2. **Mr. SATYAPRIYA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that a special motion was moved on the 28th September, 1942, urging the appointment of a non-official committee consisting of the members of the different parties in the Legislature to enquire into the incident that took place in the Dacca Central Jail on 31st August, 1942?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of appointing a Committee of Enquiry?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin:) (*a*) Yes.

(*b*) No.

(*c*) As a joint enquiry by the Commissioner, Dacca Division, and Inspector-General of Prisons, Bengal, was ordered and held, Government do not consider it necessary to arrange for any further enquiry into this matter.

Mr. ATUL CHANDRA SEN: With reference to answer (*c*) will the Hon'ble Minister be pleased to state whether the Government is satisfied that the finding of the departmental committee is correct?

Khan Bahadur MOHAMMED ALI: The question of finding does not arise here.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what was the finding of the Commissioner, Dacca Division, and the Inspector-General of Prisons, Bengal, with regard to the public accusation that the then Superintendent of Jail was guilty of murder?

Khan Bahadur MOHAMMED ALI: It is not expedient in the public interest to disclose the report of the committee.

Mr. ATUL CHANDRA SEN: Mr. Speaker, when the Hon'ble Minister says, "The question does not arise" in answering to a question, are you satisfied that the question does not arise?

Mr. SPEAKER: That is the way in which the answer is given. Strictly speaking the question in my opinion does not arise.

Mr. SURENDRA NATH BISWAS: We have heard the Parliamentary Secretary to say that it is not in the public interest that he should disclose what was the finding of the Commissioner, Dacca Division, and the Inspector-General of Prisons, Bengal. In a matter like this where the whole

House was agitated and resolved to have an enquiry and the then Gover ment told the House that the matter would be looked into and a depa: mental enquiry was made, is it not pertinent on the part of a member the House to ask the Government what was the result of that enquiry?"

Mr. SPEAKER: You cannot discuss it.

Mr. SURENDRA NATH BISWAS: I am not discussing. I asked f certain information but he has refused to give that information. What w the finding of the Commissioner and Inspector-General of Prisons wi regard to the public accusation that the then Superintendent of Jail Dacca was guilty of murder?

Khan Bahadur MOHAMMED ALI: Sir, I am not aware of any suc accusation that the Superintendent has been guilty of murder, and I ha already stated that it is not expedient in the public interest to disclose tl finding of the committee.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister b pleased to state what was the finding with regard to the complaint th the Superintendent, Dacca Jail, was not justified in ordering shooting the persons who were on top of a tree?

Khan Bahadur MOHAMMED ALI: I have already stated that th nature of the report of the committee cannot be disclosed.

Mr. NISHITHA NATH KUNDU: In view of the reply just given b the Parliamentary Secretary that the report is not meant for the public will the Hon'ble Minister be pleased to state what is the reason for holdin this enquiry at all?

Khan Bahadur MOHAMMED ALI: The reason was that the Govern ment wanted to enquire into the allegations that were made within an without the House and after receipt of the report Government did not thinl it expedient in the public interest to disclose the nature of the report.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister please tell us whether a resolution or a motion passed by this House is a mere recommendation to the Government or a direction and a mandate to the Government?

Khan Bahadur MOHAMMED ALI: I am doubtful whether that question will arise out of this question.

Mr. SPEAKER: That is a matter of opinion and that does not, strictly speaking, arise out of the present question.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether he is aware that the Hon'ble Mr. Shahabuddin, now adorning the Treasury benches, accused the Jail Superintendent of manslaughter while speaking on the floor of the House in the past session?

Khan Bahadur MOHAMMED ALI: Yes, Sir. I am aware that he moved a resolution but I do not remember if he actually made such an accusation.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what was the finding of these two gentlemen who held the enquiry with regard to the guilt of the persons who were responsible for shooting the prisoners?

Khan Bahadur MOHAMMED ALI: I have already stated what I have to say with regard to te finding and I have nothing further to add.

Mr. ATUL CHANDRA SEN: From the answer just given do I understand the Hon'ble Minister to say that Government was satisfied that the truth was found out by the committee?

Khan Bahadur MOHAMMED ALI: I have nothing further to add.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please tell us whether the Jailor or the Superintendent was punished as a result of the enquiry?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Staff in office of Deputy Inspector-General of Police, Intelligence Branch.

*3. **Mr. WALIUR RAHMAN:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the Table a statement showing, in the office of the Deputy Inspector-General of Police, Intelligence Branch, Bengal—

(*i*) the present number of posts of—

(*a*) Clerks,
(*b*) Typists, and
(*c*) Stenographers (both temporary and permanent to be shown separately);

(*ii*) their respective scale of pay; and

(*iii*) the number of them in each grade that are held by the—

(*a*) Muslims,
(*b*) Hindus, and
(*c*) Scheduled Castes?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): A statement is laid on the Table.

Statement referred to in reply to starred question No. 3.

Designation of posts.	Details of posts		Numbers with present pay of—		
	No.	Rates of pay.	Muslims.	Scheduled Castes.	Other Hindus.
Permanent.		Rs.			
Clerk	1	500—20—700	..	..	..
	2	300—10—350 ..	..	..	..
	9	100—100—125—15/2—260—10—300	..	..	..
	21	90—10/2—100—15/2—250	..	..	2 on Rs.100.
	2	100—15/2—200 ..	..	..	1 on Rs.125.
Typist ..	2	150—5—175 ..	..	..	..
	1	125—10/2—145—5/2—155	..	..	..
	17	110—4/2—130 ..	..	..	1 on Rs.122.
Stenographer	4	175—180—8/2—220 ..	..	..	..
Temporary.					
Clerk ..	1	110* ..	..	..	1 on Rs.110.
	24	90* ..	11 on Rs.90*	4 on Rs.90*	6 on Rs.90*.
Typist ..	11	100* ..	..	..	..
Stenographer	2	175* ..	..	..	..

*Fixed pay.

Persons arrested under Defence of India Rules and their classification.

*4. **Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing the total number of—

(*i*) persons arrested under sections 129 and 26 of the Defence of India Rules;

(*ii*) persons convicted;

(*iii*) under-trial prisoners with their (1) names, and (2) dates of arrest in the districts of (1) Tippera, (2) Noakhali; and

(*iv*) persons placed in (1) division I, (2) division II, and (3) division III?

(*b*) Is it a fact that Srijut Surendra Chandra Saha, B.L., a practising lawyer of the Comilla Bar of 16 years' standing, was placed in division III?

(*c*) Has any member of this House from Tippera been convicted of such an offence?

(*d*) If so, what is his name and in which division has he been placed?

(*e*) Is the Hon'ble Minister aware of the fact that in the jails of Tippera and Noakhali security prisoners before their conviction are treated like ordinary under-trial prisoners?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) The question is vague, and in any case, the preparation of such a statement will entail the expenditure of time and labour which cannot be undertaken in the present emergency.

(*b*) Yes.

(*c*) and (*d*) Mr. Dhirendra Nath Datta, M.L.A., was convicted and placed in division II. He has since been released on the expiry of his term of sentence.

(*e*) and (*f*) The question is not clear. No security prisoner is ever convicted as such.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*) will the Hon'ble Minister be pleased to state which part of the question is vague?

Khan Bahadur MOHAMMED ALI: The whole part (*a*)(*i*) to (*iv*).

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state when this particular question was received by the department for answer?

Mr. SPEAKER: These questions do not arise as supplementary questions. I will give you the time and date. The question was received in office on the 2nd March, 1943; it was sent to the department on the 9th of March, 1943, and it was answered on the 15th of August, 1944.

Khan Bahadur MOHAMMED ALI: I may add that the question was referred back to your department once for clarification on this point. The honourable member who put this question was also referred to. He did not send any reply and when it was referred back to your department, your department said "you can answer in any way you like".

Mr. CHARU CHANDRA ROY: May we get any remedy in these cases in your hand so that Government will be compelled to give answer in proper time?

Mr. SPEAKER: The remedy lies in your own hand.

(Before reading out the answer to starred Question No. 5).

Khan Bahadur MOHAMMED ALI: I may explain that the answer given in this question was correct when it was sent to your department. The position has changed now.

Security prisoners detained in Bengal.

*5. **Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing, district by district, up to the 30th June, 1943—

(*i*) the number of security prisoners in detention in the Province of Bengal; and

(*ii*) the sections of the Defence of India Act or the rule of the Defence of India Rules under which each of them has been detained?

(*b*) Do the Government consider the desirability of releasing them immediately in view of the recent ruling of the Hon'ble High Court declaring the validating Ordinance of the Governor-General amending the Government of India Act as *ultra vires*?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) The total numbers of the political security prisoners and criminal security prisoners on 30th June, 1943, were 1,556 and 2,597 respectively. The Home Minister considers that the publication of detailed figures, district by district, will be against the public interest.

(*b*) The matter is the subject of an appeal now pending before the Privy Council but immediately after the pronouncement of the Federal Court's decision, which held that no order of detention under rule 26 of Defence of India Rules could validly be made except after the Governor had personally applied his mind to the case and been satisfied that making of such an order was necessary, steps were taken to institute a review of all the cases of security prisoners then under detention with a view to issue fresh orders in the cases in which continued detention was considered necessary.

Upwards of 1,200 cases have already been reviewed and the remainder will be disposed of with the utmost expedition. The materials in each case under review are examined by the department and by the Home Minister and the case is submitted to His Excellency the Governor for consideration and orders. The same procedure has also been followed in the case of all prisoners arrested and detained since the pronouncement of the Federal Court referred to above.

I may add that by the 15th of July all the cases of security prisoners were reviewed.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how many were released out of 1,200 cases reviewed?

Khan Bahadur MOHAMMED ALI: I ask for notice and I would draw the attention of the honourable member to what I have subsequently said—that the cases of all the security prisoners were reviewed.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if the materials that there were before this revision were the same materials that were considered when this review took place?

Khan Bahadur MOHAMMED ALI: Sir, I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the basis on which these cases were reviewed?

Khan Bahadur MOHAMMED ALI: I do not understand what the honourable member means by the "basis" of the materials.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the facts, figures, testimonials, or any other documentary evidences that were produced before reviewing all those cases?

Khan Bahadur MOHAMMED ALI: All materials were taken into consideration at the time of reviewing the cases of security prisoners.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Minister be pleased to state what is the correct figure today? I understood the honourable member saying that the figure was correct up to a certain date, and I want to know what is the correct figure today. I am referring to reply (*a*).

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SURENDRA NATH BISWAS: With reference to answer (*b*), last paragraph, will the Hon'ble Minister be pleased to state what were the results of the revision of more than 1,200 cases?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the persons involved were given an opportunity to state their defence before the committe of review?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Firing incident at Badarganj railway station.

*6. **Haji SAFIRUDDIN AHMED:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that one Mr. John, the Assistant Station Master, Badarganj railway station, Bengal and Assam Railway, on the 30th April, 1944, fired at the peon of the Badarganj High English School in the district of Rangpur;

(*ii*) that the said firing caused severe injuries to a daughter of the Headmaster of the said school; and

(*iii*) that the condition of the patient is very alarming?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the cause of the firing; and

(*ii*) what action Government have taken or are contemplating to take in the matter?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table a copy of the report of the enquiry, if any, by the District Officer in the matter?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) The Assistant Station Master referred to is alleged to have fired at a jackal and accidentally injured a peon and a child whom the latter was carrying.

(*ii*) The child was slightly injured.

(*iii*) No.

(*b*) (*i*) To scare away a jackal.

(*ii*) Orders are already in force prohibiting the firing of weapons except in self-defence and the Military authorities are being asked to have these orders strictly enforced. The question of the payment of compensation in respect of the injured persons has been taken up.

(*c*) No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the jackal was killed or fled?

Khan Bahadur MOHAMMED ALI: The jackal was not killed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the jackal was subsequently discovered anywhere near about?

Khan Bahadur MOHAMMED ALI: I might say that the bullet was fired from a carbine and it hit the peon and the child after ricochet.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is meant by the statement that the jackal was carrying the child. Was the child being carried by the orderly or by the jackal?

Khan Bahadur MOHAMMED ALI: I do not know in what way Dr. Sanyal can imagine "the jackal carrying the child".

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state where the shooting took place—on the station platform, or elsewhere?

Khan Bahadur MOHAMMED ALI: Not on the platform.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state where actually the shooting took place, whether on the platform or outside, if outside what was that place, and what was the distance of that place from the railway station?

Khan Bahadur MOHAMMED ALI: It will be about 200 yards from the station.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that presumably the peon was looking like a jackal?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the shooting took place in a jungle?

Khan Bahadur MOHAMMED ALI : It was not exactly a jungle, but there was an undergrowth.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the Government will consider the desirability of examining the eyes of the Station Master, Mr. John.

Mr. SPEAKER: That question does not arise.

Mr. AHMED HOSAIN: Will the Hon'ble Minister be pleased to state whether the Government have come to a decision with regard to the payment of compensation to the injured persons by now?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is a fact that the District Officer has strongly condemned in his report this shooting case?

Khan Bahadur MOHAMMED ALI: No; that is not correct.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what are the reasons behind that prevented the Government from publishing the report of the District Officer?

Khan Bahadur MOHAMMED ALI: That question does not arise.

Mr. AHMED HOSAIN: Will the Hon'ble Minister be pleased to state when the Government will come to a final decision with regard to the payment of compensation in this matter?

Khan Bahadur MOHAMMED ALI: If the decision has not already been arrived at, the matter will be expedited.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what are the reasons behind that prevent Government from supplying us with a copy of the report of the District Officer who was appointed to investigate into the matter?

Khan Bahadur MOHAMMED ALI: It is not expedient in the interes of public safety and security to lay the report.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be plea ed to state if there is any contemplation of starting any criminal prose cution against this Mr. John?

Khan Bahadur MOHAMMED ALI: No, Sir. Apart from other que tions I might state that the District Magistrate held that it was a case c pure accident.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be please to state at what part of the day the shooting took place?

Khan Bahadur MOHAMMED ALI: It was at 9 p.m.

Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister be please to state whether any police case was started against the station master? I so, with what result?

Khan Bahadur MOHAMMED ALI: No police case was started, becaus it was reported by the District Magistrate that it was a case of accident and apart from that personnel of the American Army Force cannot b prosecuted in the normal manner.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be please to state whether it is a fact that the girl, due to that shooting, is not in position to function her legs properly?

Khan Bahadur MOHAMMED ALI: No, Sir. The injury was ver slight and the bullet hit her toe, and there was no necessity for eve detaining the child in the hospital.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister b pleased to state whether the case was taken cognizance of by the police?

Khan Bahadur MOHAMMED ALI: An enquiry was made and it wa found that it was a case of accident.

Mr. SURENDRA NATH BISWAS: Did the police submit any charge sheet or any final report?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether Government have enquired whether Mr. John has been departmentally dealt with?

Khan Bahadur MOHAMMED ALI: It was only a case of accident. S the question of any action does not arise.

Mr. I. D. JALAN: Will the Hon'ble Minister be pleased to state as t whether there is any order for shooting at jackals and not lions?

Khan Bahadur MOHAMMED ALI: There was depredation of jackal There was a goods-shed near about the station and stores were kept there The jackals used to come there and remove and destroy things. That i why the station master thought that it would be better to shoot the jackal Now Government have issued orders prohibiting the use of firearms c weapons in cases other than in cases of self-defence.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister b pleased to state whether the injured persons have been paid any compensa tion.

Khan Bahadur MOHAMMED ALI: I have already replied to tha question. It is under the consideration of Government to sanction som compensation.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether the shooting was made by a rifle or a shot-gun?

Khan Bahadur MOHAMMED ALI: A carbine was used.

Khan Bahadur Maulvi FAZLUL QUADIR: What do you mean by a carbine; was it a bullet shot?

Khan Bahadur MOHAMMED ALI: Yes.

Khan Bahadur Maulvi FAZLUL QUADIR: Are they allowed to keep firearms with them?

Khan Bahadur MOHAMMED ALI: Yes.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state when the incident took place and what was the time that elapsed in considering the compensation case?

Khan Bahadur MOHAMMED ALI: Steps were taken immediately to arrange for the payment of compensation but there was a difference of opinion between the military authorities and the District Magistrate regarding the exact amount and that was why some delay took place. I do not know whether the compensation has already been paid—I do not know the exact position today—but I know that there was some delay because the District Magistrate proposed a certain amount and the military authorties a different amount.

(At this stage, the House was adjourned for 15 minutes.)

(After Adjournment.)

*7. **Mr. SYED HASAN ALI CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact that very recently an American Assistant Station Master shot a servant and a minor daughter of the Headmaster of the Badarganj High English School, Rangpur?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what steps he is proposing to take to stop such occurrences again; and

(*ii*) what compensation is being given to the poor servant and the Headmaster?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) The Assistant Station Master referred to is alleged to have fired at a jackal and accidentally wounded the persons mentioned.

(*b*) (*i*) Orders are already in force prohibiting the firing of weapons except in self-defence and the Military authorities are being asked to have these orders strictly enforced.

(*ii*) The exact amounts have not yet been decided.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the reason why Mr. John was not hauled up before the Court?

Khan Bahadur MOHAMMED ALI: I have already stated that the District Magistrate held that this was a case of pure accident.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House when the compensation will be paid?

Khan Bahadur MOHAMMED ALI: I have already stated that if the compensation has not been paid, the matter will be expedited.

Mr. CHARU CHANDRA ROY: When do we expect to hear that?

Khan Bahadur MOHAMMED ALI: Very soon.

Health of Maulvi Ashrafuddin Ahmed Choudhury, a security prisoner.

*8. **Mr. ASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether it is a fact that security prisoner Ashrafuddin Ahmed Choudhury is suffering from tooth trouble and general breakdown of health;

(b) whether it is a fact that he has lost several pounds in weight;

(c) what arrangement has been made for his treatment; and

(d) whether Government are considering the desirability of releasing him on account of ill health?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) He is suffering from tooth trouble only.

(b) No, he has, in fact, gained in weight since his admission in jail.

(c) Treatment with medicine for chronic pyorrhœa is accorded to him whenever required.

(d) No.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what was the weight of this prisoner when he was admitted into the jail and what is his present weight?

Khan Bahadur MOHAMMED ALI: His weight on admission on 5th January 1943 was 126 lbs. and his weight increased up to 143 lbs. His present weight is 133 lbs.

Mr. NISHITHA NATH KUNDU: Have not this and other cases been reviewed?

Khan Bahadur MOHAMMED ALI: I have already stated in reply to another question that the cases of all security prisoners have been reviewed.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (d), will the Hon'ble Minister be pleased to state how this case stands and why it was not considered desirable to release him?

Khan Bahadur MOHAMMED ALI: I have already stated that except for tooth trouble he is not ailing. As a matter of fact, he has gained in weight. Besides, during the month of Ramzan, he fasted.

Mr. SASANKA SEKHAR SANYAL: My question has been misunderstood. Apart from the question of illness, will the Hon'ble Minister be pleased to answer whether Government will consider the desirability of releasing the gentleman and, if not, why not?

Khan Bahadur MOHAMMED ALI: The cases of all security prisoners have been reviewed and Government, whenever they consider it desirable to release prisoners have released them. But if a security prisoner could not be released on grounds of public safety and security, then his continued detention is necessary.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of taking into account the fact that his detention has been very long, so that he may be released?

Khan Bahadur MOHAMMED ALI: I have already stated that the security prisoner whose detention is not considered necessary is always released and he is not detained a single moment longer than is absolutely necessary in the interests of pubilc safety and security.

Mr. SASANKA SEKHAR SANYAL: In view of the changed conditions in the country, will the Hon'ble Minister be pleased to consider the desirability of releasing him at least as an experimental measure?

Khan Bahadur MOHAMMED ALI: I cannot answer that question because I do not understand what the honourable member means by "changed conditions" and "experimental measure".

Mr. SASANKA SEKHAR SANYAL: In view of the fact that the large number of releases have not worsened the situation in the country, will the Hon'ble Minister be pleased to consider the desirability of releasing this gentleman?

Khan Bahadur MOHAMMED ALI: His case was reviewed and his detention was considered necessary. According to the provisions in the Ordinance, his case will be reviewed again and if it is considered suitable or fit to release him without in any way endangering public safety and security, then his release will be made.

Mr. NISHITHA NATH KUNDU: In view of the present changed conditions in the political situation in the country and in view of the fact that other provinces have been liberally releasing most of the political prisoners will this Government follow the example of other provinces in this matter?

Khan Bahadur MOHAMMED ALI: This Government is also very liberal in the matter of granting releases to security prisoners and therefore the question of following the example of other provinces does not arise. On the other hand, the other provinces should follow the example set by this Government.

Government pleader and panel of pleaders in Noakhali.

*9. **Maulvi MD. IBRAHIM:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) the name of the present Government Pleader of Noakhali;
(*b*) his present age;
(*c*) the date of his last appointment;
(*d*) what were the amounts drawn by him from Government on account of his fees in civil and criminal cases during the last 3 years, i.e., 1940 to 1943 (to be shown separately year by year);
(*e*) what is the income of the Public Prosecutor of that district from the Crown cases for the same period; and
(*f*) how much has each of the panel pleaders of the district drawn from Government for overflow briefs during the period?

Mr. Syed ABDUL MAJID (on behalf of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) Rai Subhamay Datta Bahadur.

(*b*) 56 years.

(*c*) September, 1923.

(*d*)

	Criminal cases.	Civil suits.	Total.
	Rs.	Rs.	Rs.
1940	... 1,929	1,235	3,164
1941	... 1,645	809	2,454
1942	... 2,600	1,653	4,253
1943	... 2,720	1,080	3,800

(*e*) Criminal cases—

		Rs.
1940	... ...	4,023
1941	... ...	4,502
1942	... ...	3,868
1943	... ...	1,835

(f)—	1940.	1941.	1942.	1943.
	Rs.	Rs.	Rs.	Rs.
(1) Maulvi Abdul Jabbar ..	..	110	146	88
(2) Babu Kriti Jiban Ghosh ..	..	194	204	615
(3) Babu Rajendra Lal Roy Choudhury ..	20	80	168	130
(4) Maulvi Md. Shekander ..	..	210	66	158
(5) Syed Abdul Majid, M.L.A.	..	..	132	8
*(6) Babu Ananga Mohan Chakravorty ..	..	..	15	..
*(7) Babu Janaki Nath Majumder ..	..	..	..	40

*Engaged in absence of panel pleaders.

Babu MADHUSUDAN SARKAR: With reference to answer (b) (f), will the Hon'ble Minister be pleased to state the basic principle according to which panel pleaders are formed?

Mr. SYED ABDUL MAJID: The basic principle is that the panel pleaders are appointed having regard to the fact that they have got good practice and also communal ration is considered.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state who are the authorities for the formation of these panels?

Mr. SYED ABDUL MAJID: The panel is formed on the recommendation of the District Magistrate.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether the Government will consider the desirability of issuing instructions to those authorities to consider the cases of Scheduled Caste pleaders at the time of the formation of these panels?

Mr. SYED ABDUL MAJID: Of course, it would be considered.

Outbreak of malaria in the district of Tippera.

*10. **Mr. DHIRENDRA NATH DATTA:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) whether it is a fact that of late there is a recrudescence of malarial outbreak in an epidemic form in the district of Tippera;

(ii) what percentage of population has been affected by Malaria;

(iii) what is the quantity of quinine allotted to the district of Tippera in the year 1944;

(iv) what was the quantity allotted in the year 1943;

(v) whether it is a fact that the District Magistrate of Tippera has asked for larger quantity of quinine as the quantity allotted is not sufficient to meet the requirements;

(vi) who is in charge of the quinine

(vii) whether it is a fact that the District Magistrate used to remain in charge of the quinine;

(viii) whether he is still in charge of it;

(ix) if not, what are the reasons for changing it;

(x) what are the agencies through which the quinine is sought to be distributed;

(xi) whether it is a fact that the non-official relief organisation is not used as an agency now for distribution of quinine; and

(*xii*) whether it is a fact that the transport facilities were available in the year 1943 are not available now?

(*b*) If the answers to clause (*i*), (*v*) and (*xii*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken to meet the alarming situation?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmed): (*a*) (*i*) Reports received from the district indicate increase in the malaria incidence during the last few weeks, it cannot however be stated that it has reached epidemic proportion.

(*ii*) Specific figures of attacks from malaria are not available. In absence of these figures it is not possible to say what percentage of population has been affected.

(*iii*) The provisional quota for the current financial year for Tippera was 750 lbs. of quinine, 260 lbs. of cinchona febrifuge, 630,000 mepacrine tablets and 6,600 quinine ampoules. Against this 740 lbs. of quinine, 330 lbs. of cinchona febrifuge, 440,000 mepacrine tablets and 4,320 quinine ampoules have already been supplied. Further supplies will be made in September and December next unless there is urgent demand in the meantime.

(*iv*) 2,281 lbs. of quinine and 487 lbs. of cinchona febrifuge were supplied in 1943.

(*v*) On receipt of the advance supply of 200 lbs. of quinine and 80 lbs. of cinchona in May last, the District Magistrate stated that he would require larger quantities of anti-malaria drugs for the district.

(*vi*) The Civil Surgeon.

(*vii*) Yes.

(*viii*) No.

(*ix*) The District Magistrate has so many other preoccupations that it is very difficult for him to pay sufficient attention to the working of the Quinine Rationing Scheme.

(*x*) Hospitals, dispensaries, satellite treatment centres, kala-azar and malaria treatment centres, public health staff, voluntary relief organisations and reliable gentlemen selected by the District Rationing Authority.

(*xi*) No; non-official relief organisations are still being used as agencies for distribution of quinine.

(*xii*) Yes; the courier service provided by the Military ceased to function from the 16th April, 1944.

(*b*) 200 lbs. of quinine and 80 lbs. of cinchona febrifuge were sent by air to Tippera on the 16th May, 1944, and 540 lbs. of quinine, 250 lbs. of cinchona, 440,000 mepacrine tablets and 4,320 quinine ampoules were despatched on the 15th June by rail in charge of a responsible official of this department.

Quinine is ordinarily despatched through police escort supplied by the District Rationing Authority, but in the case of Tippera the first supply was made by air and the second by rail in charge of a special messenger.

Dr. NALINAKSHA SANYAL: With reference to the first paragraph of the answer (*a*) (*i*), will the Hon'ble Minister be pleased to state what are the weeks referred to in the answer "last few weeks"?

Khan Sahib HAMIDUDDIN AHMAD: The report was received on 21st June, 1944, and before that few weeks were taken into account.

Dr. NALINAKSHA SANYAL: Shall we understand that the last few weeks refer to the weeks available up to June, 1944, not thereafter?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have got any information regarding later months, particularly, September, October and November?

Khan Sahib HAMIDUDDIN AHMAD: Yes, malaria has broken out and the district has been declared to be an epidemic district.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether Government have got information about the maldistribution, misappropriation, profiteering and black-marketing of this quinine by the Government?

Khan Sahib HAMIDUDDIN AHMAD: It is a general question. I think, Sir, the member will be definite to get an answer.

Dr. ABDUL MOTALEB MALIK: This is a general question. I want to know whether Government have got any information about these grievances—maldistribution, misappropriation, profiteering and black-marketing.

Khan Sahib HAMIDUDDIN AHMAD: Whenever there has been any definite complaint Government have taken every possible step.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House if he is aware that black-marketing is going on with this quinine?

Khan Sahib HAMIDUDDIN AHMAD: No.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether Government is ready to make an enquiry by the I. B. or C. I. D. officers about this black-marketing and stealth of quinine?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered that if there is any specific charge or case Government will certainly take action.

Mr. CHARU CHANDRA ROY: My question is whether Government is ready to make an enquiry by the C. I. D. or the police about the stealth and black-marketing of quinine in the Tippera district and throughout Bengal. Is the Government ready to make an enquiry by the C.I.D.?

Khan Sahib HAMIDUDDIN AHMAD: Government has set up a machinery to detect such cases and whenever any specific case is brought to the notice of the Government, Government will certainly take action.

Dr. ABDUL MOTALEB MALIK: With reference to the answer just given, will the Parliamentary Secretary be pleased to state whether this machinery set up has up till now found out any such cases of profiteering and black-marketing?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Dr. ABDUL MOTALEB MALIK: How many of such cases have been up till now found out?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Nomination of a Commissioner for the South Suburban Municipality.

*11. **Mr. A. M. A. Zaman:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(i) that one Mrs. Labanya Prova Dutt has recently been nominated by the Government as a commissioner of the South Suburban Municipality, district 24-Parganas;

(*ii*) that she does not possess requisite qualification of a voter; and
(*iii*) that she is neither a resident nor a ratepayer of the said municipality?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons of nominating her as a Commissioner of the South Suburban Municipality?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) (*i*) Yes.

(*ii*) and (*iii*) She possesses the requisite qualifications of a voter and is both a resident and a ratepayer of the municipality.

(*b*) She was duly qualified to be appointed as a commissioner and Government considered her suitable for such appointment.

Dr. NALINAKSHA SANYAL: With reference to this answer will the Hon'ble Minister be pleased to state if this person, Mrs. Labanya Prova Dutt, is a member of the Bengal Legislative Council wherein her address is shown somewhere in North Calcutta.

Khan Sahib HAMIDUDDIN AHMAD: It may be so, but some time in the year 1942 her residence in Calcutta was acquired by Government and subsequent to that she is living outside Calcutta but she has a residence within the South Suburban Municipality and she occasionally resides there.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is aware that the husband of this lady is a professor of the Scottish Church College?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the husband of Mrs. Dutt has his residence in North Calcutta near about the college?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the residential address of this lady is shown in the records of the Bengal Legislative Council as 171, Ramesh Dutt Road?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered that she might have given her permanent residence to that address but of late she has been living in South Suburban Municipality and she has all requisite qualifications of a voter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the latest address shown by this lady in the records of the Bengal Legislative Council?

Khan Sahib HAMIDUDDIN AHMAD: I cannot give an off-hand answer.

Dr. NALINAKSHA SANYAL: What is the exact address of the house where this lady is supposed to have residence within the Behala Municipality?

Khan Sahib HAMIDUDDIN AHMAD: The District Magistrate reports that she has a house within the South Suburban Municipality.

Dr. NALINAKSHA SANYAL: Is the Government in a position to let the House know any specific address within the municipal limits of Behala except care of Chairman of the Municipality.

Khan Sahib HAMIDUDDIN AHMAD: I have nothing further to add but from record I can tell my honourable friend this much that she usually lives in the house of her brother-in-law and sister-in-law.

Dr. NALINAKSHA SANYAL: Who are the brother-in-law and sister-in-law referred to by the Parliamentary Secretary?

Khan Sahib HAMIDUDDIN AHMAD: I want notice about names.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state since when this Mrs. Labanya Prova Dutt is included in the ratepayers' or voters' list in the South Suburban Municipality?

Khan Sahib HAMIDUDDIN AHMAD: In 1943.

Mr. NISHITHA NATH KUNDU: Will it be possible for the Hon'ble Minister to state the number of holding and the name of the ward she resides in in the South Suburban Municipality?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered that I cannot give the exact address.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. This question refers to municipal administration. Government is not in a position to know how a particular person has become a voter of the municipality.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please tell us her number in the voters' list?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

The Hon'ble Khwaja Sir NAZIMUDDIN: I again submit, Sir, that this is a question for the municipality. The municipality is an autonomous body and questions about the voters' list of the municipality should be put to the municipality and not to Government.

Mr. SPEAKER: The point is whether she is a voter, and the question now is whether the voter's number can be given. The answer is simple. If Government can give the information they should give the information and if they cannot give the information then they should say that they cannot.

Mr. NISHITHA NATH KUNDU: My question is not about that. I want to know whether her name appears in the voters' list.

Mr. SPEAKER: That is enough.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The Hon'ble Sir Nazimuddin submitted something to you, Sir, which I submit is far from giving you the correct impression. The answer given by Government is categorical that she possesses the requisite qualifications of a voter and that she is both a resident and a rate-payer of the municipality. If Government did not take the responsibility then we would not have cared to go beyond that.

Khan Sahib HAMIDUDDIN AHMAD: I cannot give the information as to where she lives. But under rule 1(*b*) of the Election Rules she is a full fledged voter and duly qualified to be nominated by Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to give the date when this lady was nominted a member and the date when Mr. Biren Roy who was a Parliamentary Secretary of Government resigned his position?

Mr. SPEAKER: How does that come in?

Dr. NALINAKSHA SANYAL: I will show how it comes in, but I want to know the dates first.

Mr. SPEAKER: Khan Sahib, are you prepared to give the information?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Is Government considering the desirability of removing this member since the person who insisted on her nomination is no longer supporting the Government?

Mr. SPEAKER: That question does not arise at all.

Dr. NALINAKSHA SANYAL: It arises if the nomination of this lady was the result of the recommendation of the then Chairman of the municipality.

Khan Sahib HAMIDUDDIN AHMAD: She was recommended by the District Magistrate.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the District Magistrate recommended her name at the request of the Chairman of the municipality?

Mr. SPEAKER: As far as I know, all recommendations are confidential and cannot be brought in in a supplementary question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is aware that a great feeling of disgust exists in the municipality for having nominated a person who is an outsider and does not reside within the municipality simply because she happens to be a friend of the Chairman?

Khan Sahib HAMIDUDDIN AHMAD: Government has not nominated any outsider.

Dr. NALINAKSHA SANYAL: Is Government considering the desirability of making an enquiry into this matter?

Khan Sahib HAMIDUDDIN AHMAD: The question of an enquiry does not arise.

Starred Question No. 12.

(Immediately after starred question 12 was called out.)

Dr. NALINAKSHA SANYAL: Sir, I submit in this connection that a statement relating to this question was laid on the library table about 15 minutes before the sitting. The statement consists of 32 pages and I understand that your order has been that no member can remove any statement from the Library Table. In the circumstances, I would request you to kindly hold over the answer till tomorrow when we will be in a position to study the question and answer and come prepared.

Mr. SPEAKER: Dr. Sanyal, there is one thing that I should like to tell you. This statement is big and I think it must have taken a lot of time to prepare it. According to practice, it was laid on the Library Table. If you like you may have it postponed; but these are figures and statistics collected about malaria and all that (Dr. NALINAKSHA SANYAL: This is a vital matter). Yes, it is vital, but I doubt whether any useful purpose will be served by examination and cross-examination. Of course if you like, I can hold over this question.

Dr. NALINAKSHA SANYAL: Yes, Sir, I do like it.

Mr. SPEAKER: All right. Question No. 12 is held over.

Salary of Fazil and Training passed teachers under Chittagong District School Board.

*13. **Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Fazil and Training passed teachers get the same salary as that of the Matriculation and Training passed teachers under the District School Board of Chittagong?

Khan Sahib MAFIZUDDIN AHMED (on behalf of the Hon'ble Mr. Tamizuddin Khan): Yes.

Anti-hoarding campaign in Bengal.

*14. **Maharaja SRIS CHANDRA NANDY, of Cossimbazar:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(a) the total quantity of paddy and rice seized in the Province since the anti-hoarding drive was undertaken by the Government;

(b) the total number of persons affected by this drive, showing separately—

(1) those responsible for panicky hoarding,
(2) hoarding for *bona fide* consumption, and
(3) businessmen hoarding for profit;

(c) the reason for excluding Calcutta and Howrah districts from the operation of the anti-hoarding drive;

(d) the criterion fixed by the Government for deciding whether a particular stock accumulated amounts to "hoarding"; and

(e) whether hoarding for consumption comes within the mischief of this drive, if the amount exceeds a maximum stipulated by the Government?

MINISTER IN CHARGE of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) The attention of the honourable member is invited to my reply to part (b) of unstarred question No. 191 given on 21st June, 1944.

(b) The information is not available. The statistical classification of hoarding according to the motives of hoarders is hardly feasible.

(c) Purely for administrative reasons.

(d) Generally speaking, quantities in excess of six months' requirements of the owners were defined as hoards, but small surpluses were not to be treated as hoards.

(e) Yes, *vide* answer to part (d) of the question.

Scheme for expansion and reorganisation of the Publicity Department.

*15. **Dr. NALINAKSHA SANYAL:** (a) Will the Hon'ble Minister in charge of the Publicity Department be pleased to state whether any scheme for expansion and reorganisation of the Publicity Department has been adopted by the Provincial Government in recent months?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) when the scheme was adopted;
(ii) what is the period for which the scheme is proposed to be worked;
(iii) what are the recurring and non-recurring expenses estimated to be required for putting the scheme into operation;
(iv) when the estimated amounts were sanctioned by Government; and
(v) what are the main objects and outlines of the scheme?

(c) Will the Hon'ble Minister be pleased to state—

(i) how many officers and what staff have been appointed, proposed to be appointed, in the Publicity Department during the regime of the present Ministry;
(ii) what are the respective salary and allowances of each class of officers or staff; and
(iii) how the selection of such staff and officers is made so far and is proposed to be made in future?

(d) Is it a fact that a non-Bengali Hindu has been selected for appointment as a Deputy Director of Information and Editor of Publications?

(e) If so, will the Hon'ble Minister be pleased to state what are his special qualifications and who effected the selection?

MINISTER IN CHARGE of the PUBLICITY DEPARTMENT (the Hon'ble Mr. Pulin Behary Mullick): (*a*) Yes.

(*b*) (*i*) The scheme was adopted from July, 1944.

(*ii*) Up to the end of the current financial year for the present.

(*iii*) Rs. 5,91,248 per annum (approximately) recurring and Rs. 64,300 (approximately) non-recurring.

(*iv*) 7th March, 1944.

(*v*) The main object of the scheme is the dissemination of correct information particularly among the rural population whom the newspapers do not usually reach.

The main outlines are the following:—

Issue of newspapers, a news-sheet, leaflets, pamphlets, etc., from headquarters and their distribution to the interior through the Publicity Officers. Dissemination of correct news regarding food situation to the rural population and useful and educative information as regards sanitation, public health, agriculture, development of industries, etc., through oral and visual media. The mufassal staff have also been authorised to bring to the notice of the district authorities any genuine local grievances which they discover so that these may be remedied.

(*c*) (*i*) Three officers and 206 non-gazetted staff have been appointed since the formation of the present Ministry and 2 more non-gazetted staff are proposed to be appointed shortly.

(*ii*) A statement is laid on the Table.

(*iii*) Selection of staff and officers has been made and will be made in future, according to the regulations governing the recruitment to the posts.

(*d*) Yes.

(*e*) The officer appointed was the Publicity Officer to the Government of Jodhpur and also worked as Joint Secretary, Famine Relief Operations, he edited and published 8 newspapers and bulletins for the Jodhpur Government and was also the representative of a well-known News Agency. In addition he was also the Director of Broadcasting and organised the Jodhpur State Broadcasting Station. He was also associated with various important committees in the Jodhpur State, viz., the Central Recruiting Committee, the State Soldiers' Board, the Executive Committee of the Indian Red Cross, Branch Jodhpur, the A.R.P. Consultative Committee, the A.R.P. Publicity Committee, the Grow More Food Campaign Committee, etc. The Selection Committee considered him as the best among the candidates who applied for the post.

Statement referred to in reply to clause (c)(ii) of starred question No. 15.

	Officers.		
1.	Deputy Director of Public Information (Distribution).	1	Grade pay as Deputy Magistrate *plus* special pay Rs.100 per month.
2.	Deputy Director of Public Information and Editor of Publications.	1	Rs.700 per month.
3.	Assistant Director of Public Information (Publicity) II.	1	Rs.300 *plus* conveyance allowance of Rs.30 per month.
	Non-gazetted staff.		
4.	Special Correspondents, Publicity Department.	3	Rs.300 each per month.
5.	Reporter ..	1	Rs.300 per month.
6.	Artist ..	1	Rs.300 ,, ,,
7.	Assistant Editor of Publications ..	1	Rs.300 ,, ,,
8.	Senior Sub-Editor ..	1	Rs.250 ,, ,,
9.	Bengali Translators ..	2	Rs.200 each per month.
10.	Hindi Translator ..	1	Rs.200 per month.
11.	Urdu Translator ..	1	Rs.200 ,, ,,
12.	Sub-Editors ..	2	Rs.200 each per month.

Non-gazetted staff.

13.	*Official Photographer* ..	1	*Rs.200 per month.*
14.	District Publicity Organisers ..	27	Rs.200 each per month.
15.	Subdivisional Publicity Organisers ..	100	Rs. 70 *plus* Rs.30 travelling allowance each per month.
16.	Clerks for District Publicity Organisers	27	Rs.35 each per month.
17.	Senior Head Assistant, Publicity Department.	1	Rs.425—25—500 per month *plus* special pay of Rs.85 per month.
18.	Upper Division Assistants ..	9	Rs.125—125—150—10—250—15—400 (old scale)—Rs.115—20/2—215—25/2—290—20/2—350 (new scale).
19.	Lower Division Assistants ..	21	Rs.60 each per month.
20.	Typists ..	4	Rs.45 " " "
21.	Stenographers ..	2	Rs.80 " " "
22.	Store-clerk ..	1	Rs.40—4/2—68—3/2—80.
23.	Record Suppliers ..	2	Rs.20 each per month.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*iv*) where it is stated that the scheme was sanctioned on the 7th of March, 1944, will the Hon'ble Minister be pleased to state whether any provision was made in the budget of the province in this connection?

The Hon'ble Mr. PULIN BEHARY MULLICK: No, because the budget was framed before that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that a budget grant was made by the Legislature about 3 months after March, 1944, this year?

The Hon'ble Mr. PULIN BEHARY MULLICK: I have already answered the question that the preparation of the budget starts from October and therefore it could not be included in that budget.

Dr. NALINAKSHA SANYAL: With reference to answer (*v*) where it is stated that the scheme intends to disseminate correct information, will the Hon'ble Minister be pleased to state what is the source of this correct information?

(No answer.)

Mr. SPEAKER: Question time is over.

Dr. NALINAKSHA SANYAL: This is a very important matter. Cannot the question be held over, Sir?

(No reply.)

GOVERNMENT BUSINESS.

Financial Business.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, in compliance with section 169 of the Government of India Act, I beg to lay before the Bengal Legislative Assembly the Appropriation Accounts and the Finance Accounts for the year 1942-43, together with the Audit Reports thereon.

According to usual practice, these were due for presentation before the Legislature at the commencement of its Budget Session in February last. Owing to war conditions, however, the Report of the Auditor-General on the Appropriation Accounts, 1942-43, could not be signed by him before the 30th June, 1944, and was not available to the Government of Bengal before the middle of July. These documents could not in the circumstances be placed before the Assembly during its Budget Session which had by that time come to a close.

Point of Privilege.

Dr. NALINAKSHA SANYAL: Before we take up the next item on the Order Paper, may I rise on a point of privilege? The usual procedure in the House gives us an impression that the intention of the Legislature,

particularly a legislature like ours, is two-fold: first, to make laws and second, to provide a forum for bringing to the notice of Government urgent and important matters of public interests through resolutions, questions and proper motions. During the present session, it is our intention to bring to the notice of Government certain very important matters including (1) insecurity of the whole civil population due to the conduct of Americans in and around Calcutta, (2) the large amount of loss of food-grains in and around various places due to insecure or inadequate storing arrangements, (3) maladministration with regard to distribution of cotton textile, cloth and yarn, (4) malaria havoc in Bengal generally and in Calcutta in particular, (5) corruptions in civil supplies, (6) large amounts of irregular and unauthorised expenditure during the year, (7) the question of postponement of the purchase of electricity undertaking by Government, (8) employment of foreign experts and military men in civil posts,—

Khan Bahadur MOHAMMED ALI: Sir, is he in order in making a speech?

Dr. NALINAKSHA SANYAL: And Rehabilitation and relief measures and organisation set up for the same.

Mr. SPEAKER: Dr. Sanyal: You rose on a point of privilege?

Dr. NALINAKSHA SANYAL: These are some of the items. I would not give a complete list. There are many other important public matters which could be brought up before the House if you were good enough to direct us as to the appropriate motion in that connection.

Sir, we find that for some reason or other several adjournment motions given notice of could not be given consent to by you. We are, therefore, left with only two alternatives: special motions and resolutions. May we through you ask the Government to find out some method or some way by which we can bring before the House and before the Government these important problems which are agitating the whole of Bengal and not merely pass certain legislation which may or may not be so vital and important as these problems are.

Mr. SPEAKER: I think you are conversant with the rules of business of this House. It is not for me to say how you will bring in any matter. It is entirely for you to look up to the rules and act according to the rules. It is certainly open to the Opposition and the Government to come to any understanding they like. That is not my business.

GOVERNMENT BILLS.

The Bengal Destitute Persons (Repatriation and Relief) Bill; 1944, as passed by the Bengal Legislative Council.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, as passed by the Bengal Legislative Council, be taken into consideration.

I won't take up the time of the House for long and I shall be very brief in my observations. The honourable members will remember that an Ordinance was promulgated on the 26th October, 1943, with a view to meet the grave situation arising out of the heavy rush of destitutes to Calcutta and other urban areas. Under the said Ordinance powers were obtained for Government to apprehend any destitute person and to detain him in any place provided for the purpose and for the maintenance and medical treatment of destitute persons until such person was repatriated to his or her usual place of residence. Such measures were necessary for the reason that although, a large number of camps were opened in Calcutta and other areas for giving food, shelter and medical treatment, the destitutes in many cases were found reluctant to resort to these places of reception.

Dr. NALINAKSHA SANYAL: Because they were veritable dens where they would die.

The Hon'ble Mr. TARAK NATH MUKERJEA: That is not a fact.

Dr. NALINAKSHA SANYAL: That is a fact. The management has been so hopeless.

The Hon'ble Mr. TARAK NATH MUKERJEA: Although there had been a marked improvement in the situation, Government did not consider it to be safe to be without the necessary powers to handle the situation, in case there be a recurrence of the unfortunate events after the expiry of the period of the Ordinance. The Bill was therefore framed with the object of following up the Ordinance with complementary legislation and was introduced in the Council at the first instance. The Council passed it in the last session. It is now before the House. It is a very simple measure and I would ask the House to accept it, without much discussion.

Mr. SPEAKER: Khan Bahadur Haji Badi Ahmed Choudhury, আপনার এই motionএ যতগুলি নাম দিয়েছেন তাঁদের সবাইয়ের কাছ থেকে consent পাওয়া যায় নি। যাঁদের কাছ থেকে consent পাওয়া গিয়েছে সেই কয়েকটী নাম দেবেন। অন্যগুলি বাদ দেবেন।

Khan Bahadur Haji BADI AHMED CHOUDHURY: Sir, I beg to move by way of amendment that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, be referred to a Select Committee consisting of:—

(1) The Hon'ble Mr. Tarak Nath Mukerjea, M.B.E., Minister in charge, Revenue Department,
(2) Mr. A. K. Fazlul Huq,
(3) Mr. Shamsuddin Ahmed,
(4) Dr. Sanaullah,
(5) Khan Bahadur Maulvi Alfazuddin Ahmed,
(6) Mr. Syed Badrudduja,
(7) Mr. Sasanka Sekhar Sanyal,
(8) Mr. Charu Chandra Roy,
(9) Mrs. Hemaprova Majumdar, and
(10) Khan Bahadur Haji Badi Ahmed Choudhury (the mover),

with instructions to submit their report by 31st January, 1945, and that the quorum of the Select Committee be fixed at five.

The motion was then put and lost.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, as passed by the Bengal Legislative Council, be taken into consideration, was then put and agreed to.

Clause 1.

Khan Bahadur Haji BADI AHMED CHOUDHURY: Sir, I beg to move that in clause 1(3), line 2, for the figures "1946" the figures "1948" be substituted.

আমি যে amendment দিয়েছি সেই প্রসঙ্গে কিছু বলবার ইচ্ছা করছি। এই যে Billটি Upper House থেকে পাঠানো হয়েছে, তাহার আয়ুষ্কাল দেওয়া হয়েছে 1946 January; অর্থাৎ ২ বৎসর। আমার ধারণা, বাংলার দুঃখ ২ বৎসরের মাঝখানে শেষ হবার সম্ভাবনা নেই। কাজেই এই অবস্থায় এই সংখ্যা বাড়িয়ে 1946এর স্থলে 1948 রাখবার জন্য আমি প্রস্তাব করছি।

The motion of Khan Bahadur Haji Badi Choudhury was then put and lost

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 2(*3*), in lines 1 and 2, for the words "of European extraction" the words "a habitual beggar" be substituted.

Sir, in moving this amendment I notice that my European friends have felt very much amused because perhaps they think that the two terms "European extraction" and "habitual beggar" are identical. I can assure them that that is not in my mind. The members of European extraction are surely not habitual beggars. If they are anything, they are something else. Sir, I have two objects in view in moving this amendment. One is to bring the Europeans who may—although at the present moment they are not—be, for some reason or other, destitute and helpless in the same category as children of the soil. I know that there is another enactment dealing with the problem of European vagrancy, but I feel, Sir, that this separate treatment of a certain section of the population is not really conducive to communal and racial harmony.

Sir, there is yet another reason for my having substituted for it or sought to substitute for it the words "a habitual beggar". I apprehend that if there is this definition of a destitute person, a person who may not be a habitual beggar and who may not depend or may not seek the aid of Government, may be apprehended even against his will and forcibly taken away if the authorised officer takes it into his head to apply the provisions of this Bill in his case. We have had sad experience of the operation of the Penal Code under which persons, very respectable, have been detained on charges of having no ostensible means of livelihood and we apprehend that the Executive might go wrong when they want to. Because of certain political bias they could arrest any respectable person and declare—my esteemed professor, Mr. Banerjee, is looking at me; I am sure he won't be placed under arrest as a destitute. But it is not impossible for if the law gives power to the authorised officer he can arrest any man. So I would like to confine the definition to persons who are really beggars or have been thrown into a position of habitual begging and not anybody and everybody who temporarily or for the time being find it difficult to meet both ends.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in clause 2, sub-clause (*3*), line 2, the words "or being" be omitted.

Sir, I have failed to find out any meaning of these two words. If you look at it carefully you will find that "or" here does not introduce any alternative at all. I therefore think that these two words are superfluous which ought to be omitted.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 2(*4*) be omitted.

Sir, as a matter of fact this is consequential upon my amendment proposed earlier under sub-clause (*3*) where I would like the terms "European extraction" being deleted. I want to make the law same for all classes.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, regarding the amendment No. 4 of Dr. Sanyal, I would like to point out that it will get into conflict with the provisions of the European Vagrancy Act of 1874 and as such it will require reservation under section 107 of the Government of India Act.

As regards amendment No. 5 of Rai Harendra Nath Chaudhuri I would submit that our drafting is quite in order and I submit there is no other reply necessary regarding the next amendment of Dr. Sanyal which, as he has already said, is consequential.

The motion of Dr. Nalinaksha Sanyal that in clause 2(*3*), in lines 1 and 2, for the words "of European extraction" the words "a habitual beggar" be substituted, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 2, sub-clause (*3*), line 2, the words "or being" be omitted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that clause 2(*4*) be omitted, was then put and lost.

The question that clause 2 stand part of the Bill, was then put and agreed to.

Clause 3.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 3(*1*), in line 6, after the expresion "section 7" the words "or proves to the satisfaction of the authorised officer his ability to maintain himself" be inserted.

Sir, the amendment proposed by me is self-explanatory. I feel, Sir, that there can be no justification for detaining a person who might satisfy the authorised officer that he can maintain himself.

There is a provision in clause 7 by which the authorised officer, when he is satisfied that adequate arrangements for the subsistence and rehabilitation of the detained person have been made by some other person, then he may repatriate such person to such other place or residence as may be determined by that authorised officer.

I feel, Sir, that if a person is wrongly detained as has been our experience during the Drive that took place in Calcutta as a result of certain directions from persons in authority that maid-servants who were living in the area just going to the bazaar were suddenly apprehended by the police and put into vans and spirited away and that even little children living in the *bustees* with their parents were thus taken away. It took them days and hours to discover where they had been taken and it took a pretty long time to get these persons back to their own places. If a person can himself or herself prove to the satisfaction of the authorised officer that he or she can maintain himself or herself, I see no reason why even then the provision of section 7 has to be applied and all the elaborate process of putting up somebody to prove that he can be taken to some other place of residence should follow.

I, therefore, submit that, to make this law as free as possible from being or danger of becoming an engine of oppression, we should provide sufficient safeguards against careless or reckless behaviour on the part of certain officers. It has been found, Sir, that through subsequent measures Government proposed to define "authorised officer" as not merely the responsible person mentioned herein but any and every person including probably the chaukidar of a village, who might be designated as an officer under this Act. I saw in the Gazette published a few days ago certain categories of persons who were declared to be authorised officers under the Act and they in their turn were again authorised to empower other persons to become authorised officers under this Act. At the present moment, there is the Ordinance operative. So, I think there must be some proper safeguard against abuse of power or against mistaken arrests. As this clause is now framed, even if a person is arrested under a *bona fide* mistake, the law requires that he or she must be sent to a place provided for the purpose under clause 4. The authorised officer then and there cannot release him or her; they must be sent to a place provided for the purpose and then comes the action contemplated under clause 7. Somebody must come put up an application under section 7 and satisfy the authorised officer as to the place where this person can be repatriated and repatriation will be permitted subsequently at a later stage after going through an elaborate process. I submit, therefore, that this amendment proposed by me would improve the legislation and would prevent abuse.

The Hon'ble Mr. TARAK NATH MUKERJEA: I am afraid, Sir, that the honourable member is working under a misapprehension. Destitute persons will be repatriated only to the nearest possible work houses or destitute camps, which are nearest to their native places; and I can also assure him that only responsible persons——

Dr. NALINAKSHA SANYAL: Where is that in the Act? A Minister's assurance has no legal value!

The Hon'ble Mr. TARAK NATH MUKERJEA: That is the general policy, namely, that only responsible persons will be authorised, who will not detain any person any longer than is absolutely necessary.

Sir, I oppose the amendment.

Then, Sir, I formally move the amendment standing in my name, namely, that for the proviso to sub-clause (2) of clause 3, the following be substituted, namely:—

"Provided that no force shall be used to a woman except by another woman empowered in this behalf by the authorised officer".

Sir, this is only to clear a drafting defect. I hope the House will be pleased to accept it.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move that for paragraph (*b*) of the proviso to sub-clause (3), of clause 3, the following be substituted, namely:—

"(*b*) at any other time without the written permission of the person in occupation thereof".

Sir, the proviso provides that no officer will be competent to enter any dwelling house, first of all, (*a*) at any time after sunset and before sunrise. There is a complete denial of right there. Then sub-clause (*b*) of the proviso prohibits entry "at any other time (*i.e.*, during day time) without previously giving to the person in actual occupation thereof at least two hours' notice of his intention to do so".

Now, Sir, if there is any reason for hesitancy on the part of the Government to arm any authorised officer with the power of entering or rather violating the sacred precincts of a person's dwelling house, then it should be categorically stated that no officer should have power to enter any premises without the previous consent of the owner or occupier of the premises.

Sir, what is the purpose of this Bill? The purpose of this Bill is not to declare all destitute persons as offenders. It cannot therefore be an offence under the Indian Penal Code to give shelter to a destitute person; rather any kindly inclined gentleman may feel it his duty to give shelter to certain destitute persons. Why should the Government be anxious to collect and arrest these destitute persons who take shelter or are given shelter in a private dwelling house? Therefore I propose that for entering any dwelling house even during the day time permission should be taken of the occupier of the premises to arrest or apprehend those destitutes. If the owner did not allow any destitute to take shelter, then he would certainly be inclined to give permission. But if out of kindness he is inclined to give shelter to a destitute person or persons, why should he not be permitted to do so. Why, Sir, should his house be entered into without taking his permission and why should the destitute who has been given shelter be forcibly carried away from the house? I therefore move that even at any other time, *i.e.*, other than time mentioned in sub-clause (*a*) no one should be permitted to enter any dwelling house without the written permission of the person in occupation thereof. Otherwise, as it stands, the Bill provision makes trespass almost legal because you give only two hours' notice to the person in occupation which is not worth the name of notice at all. If you are so inclined as to give two hours' notice to the

person, why should you not respect his wishes? Why should not th authorised officer take his permission before entering his premises? I hop that the Hon'ble Minister will please answer the point.

The Hon'ble Mr. TARAK NATH MUKERJEA: I would only submi that it would lead to a good deal of trouble and difficulties.

The motion of Dr. Nalinaksha Sanyal that in clause 3(*1*), in line 6 after the expression "section 7" the words "or proves to the satisfactio of the authorised officer his ability to maintain himself" be inserted, wa then put and lost.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that for th proviso to sub-clause (*2*) of clause 3, the following be substituted, namely:—

"Provided that no force shall be used to a woman except by anothe woman empowered in this behalf by the authorised officer,"

was then put and agreed to.

The motion of Rai Harendra Nath Chaudhuri that for paragraph (*b*) o the proviso to sub-clause (*3*) of clause 3, the following be substituted, namely:—

"(*b*) at any other time without the written permission of the person in occupation thereof."

was then put and lost.

The question that clause 3 as amended stand part of the Bill, was ther put and agreed to.

Clause 4.

Dr. NALINAKSHA SANYAL: I beg to move that in clause 4(*1*), line 1, for the word "may" the word "shall" be substituted.

Sir, when I read this draft, I was rather puzzled. Clause 3, or rathe section 3 as it is now, definitely lays down an obligation on the authorise officer to send any person who is detained by him as a destitute to a certain place of detention, but there is no certainty anywhere that such places o detention would actually be set up by the Government. Where is th obligation on the part of Government to set up, maintain and provid with proper equipment and furniture such places of detention for destitutes? Therefore I want to make that position clear by substituting the wor "shall" for the word "may" in this sub-clause. Here I can give you som definite facts which will prove to the satisfaction of this House how promise and assurances of Hon'ble Ministers receive scant courtesy at the hand of the executive. As a result of the pressure of the European Party probably Government promised to pass a Vagrancy Act. Certain land wa acquired, tenders were called, money was provided in the budget, th Vagrancy Act was passed and a place in the district of Murshidabad wa selected for constructing a Vagrants' Home. Several lakhs have bee spent. The Home that was supposed to have been opened is not yet functioning. Officers have been appointed.

(A VOICE: Is smoking allowed?)

Mr. SPEAKER: Smoking is not allowed inside the Chamber.

Dr. NALINAKSHA SANYAL: Sir, I was talking of the Mahalandy Vagrants' Home. I know that the Hon'ble Minister has become nervou because I refer to another similar instance. I know that the presen Vagrants' Home is not going to be utilised as a Destitutes' Home becaus it is not yet functioning. I understand that although officers have bee appointed and money is being spent every month, not a single vagrant ha been given shelter in that home so far. The vagrants—and I believe ther was no want of vagrants in Calcutta during the last one year—were subse quently taken to certain Destitutes' Homes near about the city and som

of those officers are supposed to be looking after some of these homes. The *Vagrants' Home that* was constructed at Mahalandi was condemned by the engineers and it is now rumoured—I am not very certain about that fact—that the engineers have recommended the dismantling of that building. More than a lakh of rupees would be required because that building has been so badly constructed that no vagrant can be taken or kept there. Several lakhs of rupees have already been spent and another lakh will be spent on the dismantling of that damned building.

Khan Bahadur MOHAMMED ALI: Sir, is the word "damn" parliamentary?

Dr. NALINAKSHA SANYAL: I am not damning the Government: I am damning the building.

You will see that although definite provision was made in the Vagrancy Act to provide a Vagrants' Home, that has not been done and here is a similar situation where there is only a mild word "may" put which Government may or may not accede to. The whole object of this legislation will be completely infructuous. I therefore propose that the word "shall be substituted for the word "may".

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in clause 4, sub-clause (*3*)(*b*), line 1, before the word "destitute" the word "sick" be inserted.

Sir, I beg to move also that in clause 4, sub-clause (*3*)(*b*), line 2, the words "falling ill while" be omitted.

Sir, this sub-clause provides (*a*) for the maintenance and (*b*) the medical treatment of the destitutes. Now, Sir, sub-clause (*3*)(*b*) has been so framed as to provide only for the medical treatment of those destitutes who fall ill while they are in detention. There is no provision at all for the medical treatment of those destitutes who are sick when they are placed under arrest or when they are taken charge of. I therefore, suggest that there should be a provision for the treatment of all sick destitutes whether they have been sick at the time of their arrest or whether they have fallen ill after their arrest. Irrespective of that question they should receive medical treatment if they are sick. That is my whole submission.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I would only submit that Dr. Sanyal has brought in things, which have nothing to do with this Bill, because vagrant homes are altogether different things and are administered by the Home Department. So far my information goes, I have not heard of any case where so much money has been wasted, as Dr. Sanyal has said. I will draw, this portion of his speech to the notice of the Home Department. It is also well known to an honourable member like Dr. Sanyal that in these cases "may" means "shall". However if he insists that "shall" shall be inserted, I am ready to accept it because it will be Government responsibility to supply things in the destitute camps hereafter on the existing lines. So I am prepared to accept this amendment.

Sir, as regards Rai Harendra Nath Chaudhuri's amendment, namely, amendments Nos. 11 and 12, I submit they are absolutely unnecessary.

The motion of Dr. Nalinaksha Sanyal that in clause 4(*1*), line 1, for the word "may" the word "shall" be substituted was then put and agreed to.

The motion of Rai Harendra Nath Chaudhuri that in clause 4, sub-clause (*3*)(*b*), line 1, before the word "destitute" the word "sick" be inserted, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 4, sub-clause (*3*)(*b*), line 2, the words "falling ill while" be omitted, was then put and lost.

The question that clause 4 as amended stand part of the Bill, was then put and agreed to.

Clause 5.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that for clause 5 the following be substituted, namely:—

"5. (*1*) An authorised officer may, subject to any rules made under section 12 and to such directions as may from time to time be issued in this behalf by the Provincial Government, make orders in writing for regulating the conduct of, and the maintenance of discipline amongst, destitute persons detained under section 3 in any place provided under section 4 and when such orders have been made every destitute person so detained in such place shall comply with such orders.

Orders as to conduct and discipline.

(*2*) If any destitute person to whom an order under sub-section (*1*) relates wilfully disobeys or neglects to comply with such order, he shall on conviction before a Magistrate be liable to be punished with imprisonment for a term which may extend to three months."

Sir, this is to empower the authorised officers to make orders on matters of minor importance and to avoid unnecessary delay and it being a matter of minor importance authorised persons who are sufficiently responsible officers will be quite competent to deal with it. I hope, Sir, the House will accept it.

Rai HARENDRA NATH CHAUDHURI: Sir, I rise to oppose the amendment of the Hon'ble Mr. T. N. Mukerjea. Mr. Mukerjea says that the authorised persons are only authorised here to make certain minor orders, non-compliance with which however will be followed by imprisonment for a term which may extend to 3 months.

Now, Sir, the clause, as it stands in the Bill, as published, only makes it an offence for any destitute person to wilfully disobey or neglect to comply with any rule made by the Provincial Government. Sir, the rules will be duly published and any destitute person if he violates any rule, of course he will be violating it with full knowledge or at his supposed knowledge—because the rules are published before and he knows that he is going to infringe the rule. But here, Sir, the punishment for 3 months' imprisonment is provided for non-compliance with any order which, the Hon'ble Minister says, will be an order of minor importance simply because the order is in the opinion of the person an order which is subject to the rules or directions made by Provincial Government.

Mr. SPEAKER: Mr. Rai Chaudhuri, we must now adjourn for prayer.

(The House at this stage was adjourned for 15 minutes for prayer.)

(After adjournment.)

Rai HARENDRA NATH CHAUDHURI: Sir, as I was pointing out, the order of non-compliance with which will meet with a punishment of 3 months' imprisonment will not be open to question by the person adversely affected by the order in view of clause 11. It is simply for non-compliance with the order—right or wrong, of small importance or of major importance —that the person will have to suffer. The person prosecuted will not be able to question the propriety of the order at all. Simply because he has disobeyed the order he will meet with punishment. It will not be open to the Court even to go into the question of the propriety of the order which is made or into the legality of it or even to examine whether or not

the order was made subject to the rules or to the direction of the Government. Sir, I therefore oppose the very ill-advised amendment that has been brought forward by the Hon'ble Minister at such a late stage and I submit that the clause, as it has been printed in the Bill and as it has emerged from the Council, ought to stand.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I would only submit that the provisions give ample scope for the trying Magistrate to use his discretion. I would like to point out that it being a matter of minor importance the authorised officer will be competent to deal with it, but it will be up to the trying Magistrate to use his best judgment in the trial.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that for clause 5 the following be substituted, namely:—

"5. (*1*) An authorised officer may, subject to any rules made under section 12 and to such directions as may from time to time be issued in this behalf by the Provincial Government, make orders in writing for regulating the conduct of, and the maintenance of discipline amongst, destitute persons detained under section 3 in any place provided under section 4 and when such orders have been made every destitute person so detained in such place shall comply with such orders.

Orders as to conduct and discipline.

(*2*) If any destitute person to whom an order under sub-section (*1*) relates wilfully disobeys or neglects to comply with such order, he shall on conviction before a Magistrate be liable to be punished with imprisonment for a term which may extend to three months."

was then put and agreed to.

Clause 6.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 6, in lines 2, 3 and 5 for the word "list" the word "register" be substituted.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in line 4 of clause 6 the following words, namely:—

"as determined by the said officer",

be omitted.

Sir, this clause provides for the preparation of the list of persons apprehended and detained under the Act and also provides that their usual place of residence should be specified therein. Now, what is the usual place of residence of a person is a question of fact, and not at all a question of presumption. But it is going to be made a question of presumption and not a question of fact at all by the introduction of these words "as determined by the said officer". For instance, the residence of a destitute person may be a village in thana Basirhat in the 24-Parganas. The authorized officer by mistake or otherwise presumes that he belongs to a village in thana Haroa, and, therefore, he will be entitled under clause 7 to repatriate him to Haroa. You are aware that there are in a district villages of the same name but belonging to different thanas. If the address or rather the place of residence that has to be noted under clause 6 is the place of residence supposed by the authorised officer and not the actual place of residence of the destitute, it may well be apprehended that the destitute persons may be repatriated to places which are not their usual place of residence.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 6, in line 5, for the words "the inclusion of the name of any person in any such list" the words and figure "the issue of an order of apprehension and detention under section 3" be substituted.

Sir, I would not like that merely just when the name is included, all this detention order and consequential obligations would arise. If the destitute person is actually apprehended and detained under section 3, then alone the subsequent stages may be applicable and should be applicable.

The Hon'ble Mr. TARAK NATH MUKERJEA: Regarding amendment No. 14 of Dr. Nalinaksha Sanyal I would only say that it is unnecessary.

Regarding amendment No. 15 of Rai Harendra Nath Chaudhuri I would only submit that he is working under a misapprehension. It is the first duty of the officer to ascertain from the destitute himself generally and in all cases his address and native place and then to verify it. The officer will determine it on the report he will obtain from the destitute himself.

As regards the other amendment of Dr. Sanyal I may say that there may be cases in which there may be detention for the time being without orders.

The motion of Dr. Nalinaksha Sanyal that in clause 6, in lines 2, 3 and 5 for the word "list" the word "register" be substituted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in line 4 of clause 6 the following words, namely:—

"as determined by the said officer" be omitted,

was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 6, in line 5, for the words "the inclusion of the name of any person in any such list" the words and figure "the issue of an order of apprehension and detention under section 3" be substituted, was then put and lost.

The question that clause 6 stand part of the Bill was then put and agreed to.

Clause 7.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that for sub-clause (*1*) of clause 7, the following be substituted, namely:—

"(*1*) The authorised officer may at any time repatriate a destitute person detained under section 3 to the usual place of residence of such person as determined by such officer:

Provided that no destitute person shall be so repatriated unless the authorised officer is satisfied after such inquiries as he may consider necessary that adequate arrangements for ensuring the livelihood of such person have been made at such place of residence".

Sir, I move this only to remove a drafting mistake.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 7(*1*), in lines 3 and 4, the words "at the usual place of residence of such person" be omitted.

Sir, I also beg to move that in clause 7(*1*), in line 5, the word "usual" be omitted.

Sir, these two as a matter of fact go together.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that for paragraph (*b*) of sub-clause (*2*) of clause 7, the following be substituted, namely:—

"(*b*) by such means and such route or routes as the authorised officer may determine".

Sir, I beg to move that for sub-clause (*4*) of clause 7, the following be substituted, namely:—

"(*4*) If a destitute person,—

(*a*) wilfully obstructs any arrangements made by the authorised officer for his repatriation or refuses without reasonable cause to comply with any order of the authorised officer given by such officer for the purposes of effecting the repatriation of such person, or

(*b*) having as a result of repatriation left or been removed from Calcutta or any municipality, subsequently returns to any place within either Calcutta or any municipality and is found begging therein,

such person shall on conviction before a Magistrate be liable to be punished with imprisonment for a term which may extend to three months."

Mr. SPEAKER: Rai Harendra Nath Chaudhuri.

Dr. NALINAKSHA SANYAL: On this particular amendment, I have to make one observation.

Mr. SPEAKER: You will be allowed to have your say later.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in line 6 of sub-clause (*4*) to clause 7, after the word "repatriation" the following words be inserted, namely:—

"and notwithstanding the benefit of local relief or rehabilitation."

Sub-clause (*4*) says: "If a destitute person wilfully obstructs any arrangements made by the authorised officer for his repatriation or refuses without reasonable cause to comply with any order of the authorised officer given by such officer for the purpose of effecting the repatriation of such person, or if after repatriation a destitute person again returns to the area in which he was apprehended and detained under section 3 for the purpose of begging such person shall on conviction before a Magistrate be liable to be punished with imprisonment for a term which may extend to three months".

Sir, the Bill is named as the Bengal Destitute Persons (Repatriation and Relief) Bill, and this clause of the Bill of all the clauses makes the whole question of relief a make-believe and a mere eye-wash. Sub-clause (*4*) says that if a destitute person returns to the place of his apprehension after repatriation, he will not be again apprehended and taken to the place of detention but he will be prosecuted and will on conviction be liable to be punished with imprisonment for a term which may extend to three months. That is, he will be considered a destitute person only in the first instance and in all subsequent cases, he will be considered an offender. But what will be his offence? The offence will be to return for begging to the area in which he was first apprehended. But why will he return to the original place of his apprehension? If there is any meaning in clause 7, a person will be repatriated to his usual place of residence only after ascertaining that there are "adequate arrangement for his subsistence and rehabilitation" Only in that case, his repatriation to the place will be justified, otherwise not. But sub-clause (*4*) of clause 7, virtually says that whatever may be the case there, *i.e.*, in the place where he is repatriated—he may not find any relief or resources to fall back upon there —still, if he returns to the original place of begging, he will be liable to be punished with imprisonment. If it is really intended to give relief to the destitutes as the Bill proposes to, if the Bill is not a mere eye-wash as I said before, if relief and rehabilitation be really intended then it cannot be deemed to be an offence on the part of any destitute person to return to the original place of apprehension for begging, if he finds no adequate relief at his usual place of residence. But if there is no scheme of

rehabilitating him at his usual place of residence and if there is no real relief scheme operating there, why should it be an offence on his part to come back to the area in which he was apprehended for begging before? He must continue to live. This sub-clause unless it is amended, as I suggest, makes the whole thing an eye-wash. It must be considered that it is not the real intention of Government to repatriate and rehabilitate the destitute persons but the real idea is only to arrest them after some ceremony and send them to jails.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I would only submit that amendment No. 17 is only to remove a drafting defect. Regarding amendments Nos. 18 and 19, Dr. Sanyal wants to put an obstacle in the way of sending destitute persons to places near their usual places of residence. The omission of those words will amount to that. It is the declared policy of Government to repatriate a destitute person to as near a place as possible to his usual place of residence.

Regarding amendment No. 20, this has been designed to avoid unnecessary correspondence and consequent delay which would be unavoidable if the Provincial Government had to pass orders in all such cases.

Regarding amendment No. 21, I would only say that this is intended to remove a drafting defect.

Regarding amendment No. 22, I would only say that it is unnecessary.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I have not moved the amendment on which my friend is commenting here. He says that I am seeking to move an amendment which will take the destitute away from his usual place of residence. I have not moved that.

The Hon'ble Mr. TARAK NATH MUKERJEA: I have commented only on amendments Nos. 18 and 19.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that for sub-clause (*1*) of clause 7, the following be substituted, namely:—

"(*1*) The authorised officer may at any time repatriate a destitute person detained under section 3 to the usual place of residence of such person as determined by such officer:

Provided that no destitute person shall be so repatriated unless the authorised officer is satisfied after such enquiries as he may consider necessary that adequate arrangements for ensuring the livelihood of such person have been made at such place of residence."

was then put and agreed to.

The motion of Dr. Nalinaksha Sanyal that in clause 7(*1*), in lines 3 and 4, the words "at the usual place of residence of such person" be omitted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 7(*1*), in line 5, the word "usual" be omitted was then put and lost.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that for paragraph (*b*) of sub-clause (*2*) of clause 7, the following be substituted, namely:—

"(*b*) by such means and such route or routes as the authorised officer may determine"

was then put and agreed to.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that for sub-clause (*4*) of clause 7, the following be substituted, namely:—

"(*4*) If a destitute person,—

(*a*) wilfully obstructs any arrangements made by the authorised officer for his repatriation or refuses without reasonable cause to comply with any order of the authorised officer given by such officer for the purpose of effecting the repatriation of such person, or

(b) having as a result of repatriation left or been removed from Calcutta or any municipality, subsequently returns to any place within either Calcutta or any municipality and is found begging therein,

erson shall on conviction before a Magistrate be liable to be punished with imprisonment for a term which may extend to three months."
was then put and agreed to.

The motion of Rai Harendra Nath Chaudhuri that in line 6 of sub-clause (4) to clause 7, after the word "repatriation" the following words be inserted, namely:—

"and notwithstanding the benefit of local relief or rehabilitation",

was then put and lost.

The question that clause 7, as amended stand part of the Bill was then put and agreed to.

Clause 8.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that in clause 8, in line 5, for the word "rule" the word "order" be substituted.

This is consequential to the amendment which the House has already accepted, viz., amendment No. 13.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in the last line of clause 8 for the word "six" the word "three" be substituted.

Clause 8, I consider it a black spot in the Bill. The Bill contemplates the cases of destitute persons only. It does not contemplate the cases of habitual beggars or vagrants. There are other measures to deal with them. Now, Sir, the Hon'ble Minister has not been pleased to explain at all why, if the Government makes necessary arrangements for the maintenance of the destitute persons, for their medical treatment, and so forth, as provided in clause 4 of the Bill, there should be any inclination on the part of the destitute persons to escape, there should be an inclination on the part of the destitutes on leave not to return to the places of detention. Government ought to have explained that first before making it an offence on the part of the destitute persons to run away from the camps. As it is, I have by my amendment tried rather to mitigate the hard lot of the escaped destitutes. It is not a relief Bill; it is not a Bill which holds out the prospect of relief and rehabilitation so much as of punishment to the destitute persons; it is a Bill which only in one way or other proposes to imprison them, only if there be sufficient room in the jails for their reception. It is only the want of accommodation in the jail which will really go to relieve the destitute persons and not the arrangements contemplated and advertised in clause 4(3). If the provision for the maintenance of destitute persons be adequate there can be no earthly reason for the destitute persons to run away from the detention camp at all. Sir, this clause ought to be deleted altogether if there be any grain of humanity left in this Government. But, Sir, as they do not propose to delete it, I have proposed to mitigate the hard lot of the destitute persons by suggesting that the term of imprisonment provided here should be reduced from six months to three.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I would only point out that the penalty of six months is the maximum penalty and it is up to the trying magistrate to decide whether he should give the punishment of two days. I may also inform the honourable member that among the destitutes there is a tendency in some cases of not being satisfied with the food, shelter, clothing and medical arrangements. There are destitutes who want to make additional income by begging. Instances are not

unknown where they come out of the destitute camp. For the honourable member's information I may tell him that although the Ordinance is enforced the clause of punishment has not been carried anywhere.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that in clause 8, in line 5, for the word "rule" the word "order" be substituted, was then put and agreed to.

The motion of Rai Harendra Nath Chaudhuri that in the last line of clause 8 for the word "six" the word "three" be substituted, was then put and lost.

The question that clause 8 as amended stand part of the Bill, was then put and agreed to.

Clause 9.

The question that clause 9 stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10, stand part of the Bill was then put and agreed to.

Clause 11.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in lines 3 and 4, of clause 11, the words "or intended to be done" be omitted.

Sir, the clause should run only as "No suit, prosecution or other legal proceeding shall lie against any person empowered to perform any function under this Act for anything which is in good faith done under this Act". That should be the proper phrase. The words "Or intended to be done" should be omitted. Sir, even in this machine age a machine has not yet been invented for weighing intention. Intention is such an intangible thing that it is very difficult for the court to get hold of it. It should be left to the court to give protection to the officers only if the court finds that the acts done have been done in good faith or in discharge of function contemplated in this Act. No more protection needs be given. More protection will mean more oppression and nothing else.

The Hon'ble Mr. TARAK NATH MUKERJEE: Sir, I would only submit that the existing provision is necessary. Government fully realise the responsibility that they should keep a vigilant eye on the officers, and it is only to give protection against officers who may exceed their instructions, that this provision is necessary, and I do hope that such cases will be extremely few and far between.

The motion of Rai Harendra Nath Chaudhuri that in lines 3 and 4 of clause 11 the words "or intended to be done" be omitted, was then put and lost.

The question that clause 11 stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 stand part of the Bill was then put and agreed to.

Clause 13.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that for clause 13 the following be substituted, namely:—

"13. (*1*) Any rules made or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943, shall, notwithstanding that the said Ordinance has ceased to be in operation, be deemed to have continued to have effect and to have been made, done, taken

Continuance of action taken under Bengal Ordinance III of 1943 and Bengal Ordinance II of 1944 and validation of actions taken after the Bengal Ordinance III of 1943 ceased to be in operation.

Ben Ord. III of 1943.

or commenced in exercise of the powers conferred by or under this Act as if this Act had commenced on the 26th day of October, 1943.

(2) Any rules made or anything done or any action taken or any proceedings commenced before the commencement of this Act but after the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943 (hereinafter referred to in this sub-section as the first Ordinance), ceased to be in operation otherwise than under the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1944, which if the first Ordinance had been in operation could have been validly made, done, taken or commenced in exercise of the powers conferred by or under the first Ordinance, shall not be invalid by reason of the fact that the first Ordinance had ceased to be in operation but shall be deemed to have been made, done, taken or commenced in exercise of the powers conferred by or under this this Act as if this Act had commenced on the 26th day of October, 1943. Ben. Ord. II of 1944.

(3) Any rules made or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1944, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, done, taken or commenced in exercise of the powers conferred by or under this Act as if this Act was already in force when such rules were made or such thing was done or such action was taken or such proceedings were commenced."

Sir, this amendment is necessary for the continuance of the action taken under the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943, and also of 1944 and for the validation of the action taken in the interim period, *i.e.*, after the Ordinance of 1943 ceased to be in operation and before the Bill, when passed, comes into force.

Rai HARENDRA NATH CHAUDHURI: Sir, if this amendment is carried amendment No. 29 standing in my name falls through.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea was then put and agreed to.

Clause 14.

(When Mr. Speaker was about to put clause 14 to vote.)

Khan Bahadur MOHAMMED ALI: What about the amendment, Sir?

Mr. SPEAKER: You can vote it out.

The question that clause 14 stand part of the Bill was then put and lost.

Preamble.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, as settled in the Assembly, be passed.

I would only request the House to pass the Bill without any further discussion.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, at this stage I would only congratulate the Government for having blessed the country with a piece of legislation which has been long overdue and I am also congratulating the drafting department of the Government for having got it so nicely through the Upper House, i.e., the Council that it required substantial

alterations at the hands of Government in the Bengal Legislative Assembly. I suppose, Sir, that in future also Government in preparing Bills would remember that there is the possibility of even their experts and themselves making mistakes in such a way that substantial corrections are needed in the Bengal Legislative Assembly.

Sir, in view of that we would humbly and respectfully suggest to Government that, in future, instead of trying to make short circuit legislation by first putting it before the Council and then getting it passed there unnoticed and then bringing it before this House, it would be eminently better if the Government, instead of wasting public money in that way, introduces it at the first instance in the Bengal Legislative Assembly. If they follow this procedure I can assure them that all these difficulties would be obviated.

Khan Bahadur MOHAMMED ALI: It means a reflection on the other House.

Mr. SPEAKER: I am not going to allow any reflection on the other House, but in this case it is not a reflection at all. Don't take it in that light.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, as settled in the Assembly be passed was then put and agreed to.

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as passed by the Bengal Legislative Council.

The Hon'ble Mr. TARAK NATH MUKERJEA: I beg to move that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as passed by the Bengal Legislative Council be taken into consideration.

Mr. SASANKA SEKHAR SANYAL: Sir do you expect me to inflict a speech on the House at this late hour?

Mr. SPEAKER: Yes. Have you got the consent of all the members in the list?

Mr. SASANKA SEKHAR SANYAL: No, Sir.

Mr. SPEAKER: Please omit the names of those members who have not given their consent.

Mr. SASANKA SEKHAR SANYAL: All right Sir. I beg to move by way of amendment that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as passed by the Council be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Revenue Department,
(2) Mr. Syed Mustagawsal Haque,
(3) Mr. Ramizuddin Ahmed,
(4) Babu Radhanath Das, and
(5) Mr. Sasanka Sekhar Sanyal (the mover),

with instructions to submit their report by 31st December, 1944, and that the quroum of the Select Committee be fixed at three.

Sir, I am moving this amendment not because I find fault with the Bill as it has been considered and passed by the Upper House, but because it presents certain lacuna and incompleteness which ought to have been corrected by Government at an earlier stage. It is well-known, Sir, that in the course of the last one year and more people had passed through unprecedented distress and had to part with their precious properties only for the sake of mere existence for themselves and their families. It is certainly a welcome measure to try on the part of Government to restore the *status qua ante* in respect of such properties so far as the persons who are compelled to part with them are concerned but I beg to invite the attention of the House

to the fact that by fixing a time-limit and by circumscribing the relief in this case by a particular money limit the Bill has missed its purpose entirely and very sadly. For example, there have been cases of such compulsory sale of properties on account of penury before January, 1943, and also after January, 1944. Therefore, instead of putting a time-limit like that Government should have left it to the discretion of the authorities concerned because distress did not come after striking the zero hour nor did it disappear after striking another zero hour. It came in driblets and it came unawares and it spread out. It is too idle to say that after January, 1944, distress had disappeared and that people had not had to sell their properties on account of destitution. Therefore it is not right to fix a time-limit between one January and another. Government is the deciding authority. If in the course of the prevailing distress persons had sold their properties only for maintaining themselves and their dependants then those properties would be restituted on such terms as have been set forth. That was the purpose for which the Bill was drafted and that would assist those who found themselves stranded.

Then again, I find that the relief has been made available only up to the extent of Rs. 250. Now why that rule of thumb? Is it Government's case that people who sold properties for any value beyond Rs. 250 did not do so out of penury and distress? As a matter of fact, it appears from certain amendments of Dr. Sanyal and Rai Harendra Nath Chaudhuri that they had this in their minds and therefore they have desired to enlarge the amount to Rs. 500 and Rs. 1,000. They have got that spirit. But then there is also one difficulty. The Government will contend that there must be some place where to stop. I should say it is not necessary to stop anywhere because people who have sold as it appears from clause 4 have to satisfy the Collector that they were not able to maintain themselves. Since that clause is there it is not necessary to fix any time-limit because if anybody had sold property out of penury and destitution, whatever may be the quantity sold and whatever be the price for which it was sold, he sold it for that one purpose for which Government is bringing this relief. Take the case of a big family. It might have been necessary for that family to sell some property for Rs. 2,000 otherwise it could not feed its dependants, feed the cattle and feed the members of the family. Therefore that family also is entitled to some relief as any one who is entitled having sold it for less than Rs. 250 for the same purpose. If the Government wanted to fix upon some demarcation instead of fixing the demarcation in terms of money it should fix it in terms of property. If a *raiyat* or agriculturist had sold more than 50 per cent. of his property for any purpose during the distress as a general rule without going into the question for what purpose he sold it he should be given this relief. Whatever may the extent of the property and whatever may be the amount for which it was sold if a property had been sold on account of destitution and maintenance of the family in that case relief ought to be made available. After all nobody loses. In war time there is distress mounting up in the case of certain people and plenty in the case of others. If people had sold in distress any of their properties to their fortunate brethren then these people who had sold their property should be given relief. People who have bought and have to return the properties are not losing their money, they are getting back their own money and plus some compensation. Absolutely there is no moral injustice against that. Therefore nobody should have any reason to murmur or complain. Therefore I submit that this Bill has missed its mark.

Then there is another question. This I am speaking from my own experience. Between 1942 and 1944 is a very long time. This piece of legislation is coming after an Ordinance which was in force for some time and that Ordinance was in force during this period. Many people knew that such a legislation was coming into existence and do you know what they did? They wrote out a document of sale or purchase, the amount was more than Rs. 400 but the amount written was little less than Rs. 250 and

space which is earmarked for putting the date was kept blank because the national leaders of the money market, the creditors, have got the upper hand. They have advanced more than Rs. 250 but they have written less than Rs. 250 and the date space has been kept blank. They have taken possession of the land all the same. There is no check to that. Therefore if the Government have thought so far liberally, certainly they ought to have taken the entire situation courageously, because if you want to give relief to people you must be a whole-hogger. You cannot afford to be stingy and at the same time to be liberal in the matter of relief to the needy people. Therefore instead of circumscribing the matter within the limits of time and space a free hand should be given to the authority both by the sections and by the rule-making power so that so long as Government or any section of the public is not in a position to be sure that distress has disappeared this law ought to be applicable, for after all in war time under the Defence of India Rules people can live upon rationed existence. Why cannot the intending purchaser live upon rationed purchase? It may be said that on account of certain exigency their property will not sell. It is far better if the property is not sold because agricultural property is nowadays remunerative. If the land is not sold the crops will be available which will bring good price. He will be able to pay the landlord something if he does not live lavishly.

Therefore I hope the Hon'ble Revenue Minister will take into consideration my humble suggestions, and since the other Bill is also going back to the Upper House on account of what Dr. Sanyal has said brilliant drafting arrangement, I hope he will not hesitate to accept my suggestion and redraft the Bill and wait for some time because the Ordinance can be made use of even after this short session. He can rewrite the Bill, redraft the Bill and make it more comprehensive and make it really useful

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, at this fag end of the day it is rather difficult to answer all the points. Of course some of the points which Mr. Sanyal has raised are unnecessary. Sir, it is well known that the Ordinance was promulgated so late as on the 24th December, 1943, and so Mr. Sanyal's contention that many people knew that the Ordinance would be promulgated, took advantage of that situation and stated fictitious figures in their sale deeds is not correct. We want to give effect to the transactions which took place in 1943 only and this Ordinance was promulgated only on the 24th December, 1943, practically on the eve of the X'mas holidays when people could hardly get any opportunity of utilising the remaining six days of the year for those alleged nefarious practices.

Then, Sir, as regards the time-limit I would only submit for the information of Mr. Sanyal and the House that on a statistics obtained from the sub-registry offices it has been found out that of the sale transactions of ordinary occupancy holdings held in 1943, as many as 83 per cent. sales were within Rs. 250 and as regards *mukarari* holdings which were sold in 1943——

Mr. SASANKA SEKHAR SANYAL: When was the Ordinance promulgated?

The Hon'ble Mr. TARAK NATH MUKERJEA: 24th December, 1943.

Mr. SASANKA SEKHAR SANYAL: And when was it advertised for?

The Hon'ble Mr. TARAK NATH MUKERJEA: Not a day earlier and so people never knew.

As regards *mukarari* holdings as many as 77 per cent. of the sales were below Rs. 250 thus the proposed Act will give relief to at least 80 per cent. of those unfortunate persons who were obliged to sell their lands either occupancy holdings or *mukarari* holdings. And since it is not possible to give a blank cheque to the officers and an unlimited amount to the people a maximum limit of Rs. 250 is considered to be the fair and proper figure to give relief to the distressed and who actually require relief.

Lastly, I submit, it is a very short and simple emergency measure and he sooner it is passed the better it is for those for whom it is intended. So consider it is absolutely unnecessary and undesirable to refer it to a lelect Committee, and it should be passed as quickly as possible. Sir, I ppose the amendment.

The motion of Mr. Sasanka Sekhar Sanyal that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as passed by the Bengal Legislative Council be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Revenue Department,
(2) Mr. Syed Mustagawsal Haque,
(3) Mr. Ramizuddin Ahmed,
(4) Babu Radhanath Das, and
(5) Mr. Sasanka Sekhar Sanyal (the mover),

ith instructions to submit their report by 31st December, 1944, and that he quorum of the Select Committee be fixed at three, was then put and lost.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as assed by the Bengal Legislative Council, be taken into consideration, was ien put and ageed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed).

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed).

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed).

Clause 4.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in ib-clause (*1*) of clause 4, line 5, for the words "two hundred and fifty" the ords "five hundred" be substituted.

Sir, my honourable friend Mr. Sasanka Sekhar Sanyal has taken the Bill ery seriously and as he has taken it very seriously he has suggested that in e matter of giving relief we should be whole-hoggers. My honourable iend has entirely missed the object of this series of Bills. This series is tended not so much to relieve anybody but simply to pose as saviour of the untry.

Sir, this Assembly has just relieved the destitutes by providing for eir punishment for escape, by providing for their punishment for begging r the second time, by providing for their punishment for non-compliance ith any and every order that the detaining officer will choose to make. iat is how, Sir, we have legislated to relieve the destitutes; and now we e legislating to relieve the agriculturists in distress.

Sir, the obvious window-dressing will be found in the definition clause of e Bill. It proposes to define, as if to afford relief, "proprietor", "tenure-older", "*raiyat*", "under-*raiyat*", "landlord", etc., *et hoc genus omne*. proposes to relieve all and sundry, but in answering to the point raised my honourable friend Mr. Sasanka Sekhar Sanyal the Hon'ble Minister charge of the Bill has come out to quote the figures of the sale of occupancy *iyati* holdings. The obvious object to relieve only a certain section of the ople is apparent, and the very clause to which my honourable friend r. Sasanka Sekhar Sanyal has drawn our attention, namely, the limitation ovided by the Collector's discretion will operate as a good check against lief to that section of the people also. That is not intended to accelerate lief but will rather retard relief. I have therefore proposed that if it is

intended to provide relief to a large section of the people hit by scarcity and famine in the country, then at least the maximum value of the land transferred should be increased. It should not be Rs. 250; it should be at least double the amount. My honourable friend Mr. Tarak Nath Mukerjea has pointed out that the Bill provision is going to relieve 80 per cent. of the occupancy *raiyats* who had to sell their holdings in distress. I would ask him: why not relieve cent. per cent. of those in distress who were compelled to sell their holdings for their maintenance and for the maintenance of their families. Why stay your hands after relieving 80 per cent.? If you are really sincere for the relief of those *raiyats* that were hard hit by the famine —hit to the extent of parting with their lands, lands which are considered so much valuable and indispensable things by the agriculturists in this country, then try to relieve all. Increase the maximum value; at least make it double; make it Rs. 500, because if your figures tell you that by choosing the figure of 250 you will be relieving only 80 per cent. then surely by choosing the figure of 500 you will be relieving at least cent. per cent. of the occupancy *raiyats*, although you profess to relieve not only the *raiyats* but also the tenure-holders, proprietors and everybody who was compelled to part with his lands in distress.

There are two things which will go really against such a programme of relief. First of all, the maximum land value that is put here, namely, Rs. 250 and secondly the Collector's limited discretion. I shall dilate on the second point later, because there is an amendment standing in my name with reference to sub-clause 1(*b*). I shall not touch that point now My present request to the Hon'ble Minister will be that if he really intends to relieve the agriculturists, if he really intends to relieve the poorer section of the tenure-holders, then he ought to raise the maximum to at least Rs. 500 if he does not choose to go beyond that.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I would like to consider this proposal and would suggest that the matter may be taken up tomorrow

Dr. NALINAKSHA SANYAL: Let me then move formally the amendment standing in my name, namely, that in clause 4(*1*), line 5, for the words "two hundred and fifty" the words "one thousand" be substituted.

Sir, I need hardly add any word to what my honourable friend Rai Harendra Nath Chaudhuri has said in support of this proposal. I would only like to know if by raising it to Rs. 1,000 Government would be relieving 100 per cent. of the persons so affected. If so, they should not hesitate to come up to the figure that would be necessary to give relief to everybody affected very seriously during the last famine.

Adjournment.

The House was then adjourned at 7-30 p.m. till 4 p.m. on Tuesday, the 21st November, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 21st November, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 12 Hon'ble Ministers and 191 members.

Further supplementaries to Starred Question No. 15.

Dr. NALINAKSHA SANYAL: With reference to the held-over Question No. 15, will the Hon'ble Minister in charge of the Publicity Department be pleased to state what is the position of the National Welfare Units in relation to the newly-organised Publicity Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. My object is only this If you allow supplementary questions now it will be creating a bad precedent which may affect us later on. If a question is put and answered and if the question time is over, after that no supplementary question should be allowed because you have got no time-limit for supplementaries.

Dr. NALINAKSHA SANYAL: May I submit this? Supposing when a member is on his legs, the time-limit is over--

Mr. SPEAKER: I will consider that later on, but I will allow you this time.

Dr. NALINAKSHA SANYAL: The Publicity Department of Government of Bengal which was originally constituted in 1939 had some relationship with the National Welfare Units. Will the Hon'ble Minister be pleased to state in the new scheme of reorganisation what is the position or relationship now existing between the National Welfare Units and the Publicity Department?

The Hon'ble Mr. PULIN BEHARY MULLICK: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the officers of the Government in the National Welfare Units who were 21 in number were permitted to apply for the newly-created posts of District Officers and Subdivisional Assistants in the new scheme of Publicity Reorganisation?

The Hon'ble Mr. PULIN BEHARY MULLICK: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the permanent officers of the National Welfare Units were not permitted to apply?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what was the scale of pay sanctioned for the National Welfare Units staff as compared with the pay and emoluments of the new District Organisers' post under the new scheme?

The Hon'ble Mr. PULIN BEHARY MULLICK: All these questions are, I think, beyond the limits of the present question.

Mr. SPEAKER: What is the question?

Dr. NALINAKSHA SANYAL: The last question was with regard to the National Welfare Units staff which formed a department originally of the Publicity Department. I asked what were the pay and emoluments of the staff of the National Welfare Units as compared with the new scale of salaries sanctioned for the District Organisers under the newly organised scheme. The whole question is regarding the expenditure involved in the new scheme and then I will come to that.

Mr. SPEAKER: Dr. Sanyal, I can quite understand your point, but the real difficulty is this. If you want to institute a comparison that is a very difficult thing; that is going too far.

Dr. NALINAKSHA SANYAL: There were under the old scheme 21 National Welfare Units staff and they were paid a salary which was——

Mr. SPEAKER: That is a matter of discussion.

Dr. NALINAKSHA SANYAL: What was the reason for Government sanctioning a much higher scale of salary for the district staff as compared with the existing staff permanently placed under the Publicity Department of the Government?

The Hon'ble Mr. PULIN BEHARY MULLICK: These were temporary appointments and therefore we wanted to induce the best talents in the country to come in.

Dr. NALINAKSHA SANYAL: Who were the persons referred to in the answer (*e*) forming a Selection Committee for the purpose of selecting the staff under the new scheme? Who were the members of the Selection Committee?

The Hon'ble Mr. PULIN BEHARY MULLICK: The Hon'ble Minister, Publicity Department; Secretary, Publicity Department; Publicity Adviser to the Government, *i.e.*, Mr. G. W. Tyson; Director of Public Information; Army Public Relations Officer, Col. Kirkness; Mr. N. N. Chakravarti, Khan Bahadur Mohammed Ali and Mr. B. B. Mondal

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many meetings of this Committee were attended by Col. Kirkness and by Mr. Tyson respectively?

The Hon'ble Mr. PULIN BEHARY MULLICK: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that members of the Government Party, M.L.A's, received communications asking them to suggest names of their nominees for the District Officers' posts and Subdivisional Officers' posts?

The Hon'ble Mr. PULIN BEHARY MULLICK: Not at all

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that candidates who could not produce testimonials from members of the Assembly belonging to the Government Party were summarily rejected?

The Hon'ble Mr. PULIN BEHARY MULLICK: It is not a fact.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if one Nishita Ranjan Bagchi has been selected for the appointment of a District Organiser, Pabna?

The Hon'ble Mr. PULIN BEHARY MULLICK: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that one Sachin Chakrabarty has also been selected as a Subdivisional Agent?

The Hon'ble Mr. PULIN BEHARY MULLICK: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that these two gentlemen are relations of Mr. Narendra Narayan Chakravarty, one of the members supposed to be on the Selection Committee?

The Hon'ble Mr. PULIN BEHARY MULLICK: Not that I am aware of.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that Babu Mahadev Chandra Kumar, B.L., of Malda, was selected as a candidate for the District Officer's post at Malda?

The Hon'ble Mr. PULIN BEHARY MULLICK: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Mahadev Chandra Kumar was invited to attend the training course and was officially asked to appear and join the training in the first week of June?

The Hon'ble Mr. PULIN BEHARY MULLICK: Yes, he was on the reserved list.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he was given any appointment subsequently?

The Hon'ble Mr. PULIN BEHARY MULLICK: He did not join the training?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that when Mr. Mahadev Chandra Kumar came to Calcutta for joining the training he was informed that he was not required to join the training any more?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the gentleman, Mr. Mahadev Chandra Kumar, appeared before the Secretary of the Department and requested him to inform him definitely whether he was selected for the training or not?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the letter issued to Mr. Mahadev Chandra Kumar was ever withdrawn subsequently?

The Hon'ble Mr. PULIN BEHARY MULLICK: I do not know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who has been subsequently selected for the post in Malda?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: Is it a fact that Mr. Idris Ahmed Mia's—another M.L.A.—brother has been subsequently selected to hold the post in Malda?

The Hon'ble Mr. PULIN BEHARY MULLICK: May be.

Dr. NALINAKSHA SANYAL: Sir, I want to know definitely whether——

Mr. SPEAKER: Dr. Sanyal, you cannot force him to say anything.

Dr. NALINAKSHA SANYAL: Are we to take it that the Hon'ble Minister does not know definitely——

Mr. SPEAKER: Dr. Sanyal, I cannot allow you to discuss it.

Dr. NALINAKSHA SANYAL: Is it a fact that one brother of the Director of Public Information who has been the Secretary of the Selection Committee has also been selected for one of the important posts?

The Hon'ble Mr. PULIN BEHARY MULLICK: May be.

Dr. NALINAKSHA SANYAL: With reference to the selection of the Publicity Officer from Jodhpur, will the Hon'ble Minister be pleased to state what were his academic qualifications?

The Hon'ble Mr. PULIN BEHARY MULLICK: Qualifications necessary for the post were widely advertised.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is his academic qualification?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who were the other applicants for the post?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice. It is going too much into details.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that among the applicants there were certain very reputed journalists and scholars of Bengal?

The Hon'ble Mr. PULIN BEHARY MULLICK: May be. I do not know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the Selection Committee the Chairman of the Committee was present at the time of selection?

The Hon'ble Mr. PULIN BEHARY MULLICK: Oh, yes!

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many candidates were interviewed in connection with the post?

The Hon'ble Mr. PULIN BEHARY MULLICK: I am sorry, I do not remember.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what were the special grounds——

Mr. SPEAKER: Dr. Sanyal, it appears to me that you know practically everything and in that case the best course for you would be to discuss it at the appropriate time.

Dr. NALINAKSHA SANYAL: This is a very vital thing, Sir. The Publicity Department requires some publicity. (Laughter.)

Mr. SPEAKER: That is another matter. Questions are intended to elicit facts. You have gone into details.

Dr. NALINAKSHA SANYAL: But some facts have not been given.

Mr. SPEAKER: I think it will be better if you discuss it at the appropriate time when you have got an opportunity.

Dr. NALINAKSHA SANYAL: You know very well, Sir, that I did give notice of a motion for adjournment to which consent was not given. I also gave notice of a special motion to which also the Hon'ble Minister in charge did not give his consent.

Mr. SPEAKER: Dr. Sanyal, I cannot allow you to go deep into the details concerning the Publicity Department.

Dr. NALINAKSHA SANYAL: Sir, I am throwing lurid light on the maladministration of the department.

Mr. SPEAKER: I cannot allow that indefinitely.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the officer selected to hold the important post of Publicity Officer knows the language of the province?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this Publicity Officer has also to act as the editor of certain characters including certain publications, a large number of which is in the Bengali language?

The Hon'ble Mr. PULIN BEHARY MULLICK: Yes

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government have considered the desirability of selecting a person for holding the post who knows the language of the province and can scrutinise the publications in the Bengali language?

The Hon'ble Mr. PULIN BEHARY MULLICK: First of all, the honourable member has assumed that the officer holding the post does not know the vernacular language.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister does not say anything to the contrary. Will the Hon'ble Minister be pleased to state if this officer was recommended by a member of the Government of India—Dr. Ambedkar?

The Hon'ble Mr. PULIN BEHARY MULLICK: No, not at all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any personal letter was produced by this officer addressed to the Hon'ble Minister in charge who was the Chairman of the department from Dr. Ambedkar recommending him?

The Hon'ble Mr. PULIN BEHARY MULLICK: No.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is a fact that there were only two applicants from the district of Malda—one of them was the brother of Mr. Atul Chandra Kumar and one was the brother of Mr. Idris Ahmed Mia?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that when the selection was made, the brother of Mr. Idris Ahmed Mia, M.L.A., was not selected?

The Hon'ble Mr. PULIN BEHARY MULLICK: That is not correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that though the brother of Mr. Atul Chandra Kumar was selected and was granted the appointment, he was afterwards refused appointment because Mr. Atul Chandra Kumar resigned from the post of Parliamentary Secretary?

The Hon'ble Mr. PULIN BEHARY MULLICK: It is not true. I have already said that he was selected only for the reserved list.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many of these posts of District Officers and how many of the posts of Subdivisional Agents have gone to Caste Hindus, Scheduled Castes and Muslims?

The Hon'ble Mr. PULIN BEHARY MULLICK: Communal Ratio Rules have been strictly followed.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state if it is a fact that some of the employees are relations of the Hon'ble Minister?

The Hon'ble Mr. PULIN BEHARY MULLICK: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the district of Malda was originally reserved for having a Hindu officer at that place?

The Hon'ble Mr. PULIN BEHARY MULLICK: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there was any other officer than Mr. Mahadev Chandra Kumar who was put on the reserved list?

The Hon'ble Mr. PULIN BEHARY MULLICK: There were others as well.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to name one or two who were granted interview and called for holding training but were not subsequently given appointment?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there is not one single man who was given the interview and was invited to take training but was not subsequently given appointment?

The Hon'ble Mr. PULIN BEHARY MULLICK: No

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state if it is a fact that one of the nephews of Mr. Mukunda Behary Mullick is employed over there?

The Hon'ble Mr. PULIN BEHARY MULLICK: No

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what are the qualifications of the brother of Mr. Idris Ahmed Mia?

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

STARRED QUESTION

(to which oral answer was given)

Number of attacks and deaths due to smallpox, cholera and malaria.

*12. **Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(a) the number of attacks and deaths from the epidemic of smallpox and cholera as also the number of deaths from the epidemic of malaria reported from each district of Bengal and for the whole of the Province, week by week, and in total monthly figures up to the latest available date for the current year as compared with similar figures of the corresponding periods of two preceding years;

(b) whether any discrepancy is noticed in the figures reported in the weekly statements as compared with monthly totals, and, if so, why;

(c) what measures have been taken by Government to prevent or to check the growth of the epidemics of malaria, cholera and smallpox during the last year and in the current year, district by district;

(*d*) what further measures, if any, are contemplated by the Provincial Government in combating the epidemics of malaria, cholera and smallpox; and

(*e*) whether any action is proposed to be taken by the Provincial Government in accordance with the powers given under the recent Ordinance issued by the Government of India as reported in Calcutta papers on the 28th May, 1944?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Two statements furnishing the required information are laid on the Library Table.

(*b*) Yes. The discrepancy is due to the fact that the weekly epidemic diseases returns are more or less incomplete because—

(*i*) the chaukidars who report occurrence of epidemic cases to the Circle Sanitary Inspectors either through President, Union Boards, or direct, do not always report every such case when their number is large as during an outbreak of epidemic; and

(*ii*) reports of cases occurring during the latter part of a week, say on Friday or Saturday, which are communicated to the Sanitary Inspector by post cards are not received by him when he submits his weekly report for the week ending Saturday, which he does on the very Saturday, or latest on the following Sunday.

On the other hand the monthly vital statistical returns are compiled from the registers of births and deaths and as there is sufficient time available for their compilation these returns contain fuller information of vital occurrences.

(*c*) A summary of measures taken by Government together with five tabular statements referred to therein, furnishing the required information is laid on the Library Table.

(*d*) A statement showing further measures under contemplation of Government in this direction, is laid on the Library Table.

(*e*) Action will be taken as and when occasion arises.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*)(*i*) that the reports of the chaukidars towards the latter part of the week may not have been forwarded, will the Hon'ble Minister be pleased to state whether those reports which are missed in the previous week are included in the list of the following week or not?

Khan Sahib HAMIDUDDIN AHMAD: Sometimes the reports which are received by the Union Board Presidents during the latter part of the week are included in the following week's reports, and sometimes they cannot be included.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the left-out figures of the previous weekend when included in the following week, would make any difference in the monthly total?

Khan Sahib HAMIDUDDIN AHMAD: In the last week's reports there might be some difference, because the left-out figures of that week are carried over to the first week of the next month.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the discrepancy between the monthly total and the weekly total is sometimes as much as 50 per cent.? Is it accounted for by this left-over figure of the previous weekend?

Khan Sahib HAMIDUDDIN AHMAD: No human being has any hand in that, because during the latter part of the last week there may

be many deaths and the total of the last weekend's deaths may be more than the total of a whole week. Consequently discrepancy may be sometimes 50 per cent. and sometimes even more.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that systematically over a large period the difference between the last week's total monthly figures and the weekly total comes to nearly 50 per cent.?

Mr. SPEAKER: Dr. Sanyal, I cannot allow this sort of question. This is a comparison of statistics supplied.

Dr. NALINAKSHA SANYAL: May I invite your attention to the total of November and December deaths due to cholera in 1943 which come to 72,000 deaths in the whole of Bengal as compared with 40,698 in the weekly total leaving thereby a difference of 32,472? What is the reason for this discrepancy?

Mr. SPEAKER: That is a very difficult thing to say off-hand.

Dr. NALINAKSHA SANYAL: Not off-hand; there is an explanation given. I have taken two months' figures together——

Mr. SPEAKER: Dr. Sanyal, I have understood your point that there are certain discrepancies, but, I am afraid, that cannot be allowed in supplementary questions.

Dr. NALINAKSHA SANYAL: Has the Government taken any step to see that proper statistical records are kept weekly, so that such wide discrepancies may not occur?

Khan Sahib HAMIDUDDIN AHMAD: Yes, some new procedure is being adopted as an experimental measure.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why it has not been possible for him to collect figures beyond May, 1943, and beyond April, 1944, for comparative purposes?

Khan Sahib HAMIDUDDIN AHMAD: This report was submitted by the department on 17th August, 1944, and by that time any report after May was not available in the office.

Dr. NALINAKSHA SANYAL: From the reports available up to that time has the attention of the Hon'ble Minister been drawn to the fact that deaths from cholera in the district of Burdwan in the month of January, 1944, compared to the previous two years were 710 in 1944, 135 in 1943, and 37 in 1942?

Mr. SPEAKER: That is not eliciting information. I disallow that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in view of the steep rise in the deaths from cholera amounting to nearly 20 times in the case of 24-Parganas, 20 times in the case of Burdwan from 1942 and 500 times in the case of Birbhum, and, Sir, 300 times in the case of Bankura in 1944 compared to 1942, what steps have been taken by Government to check that steep rise of 500 times in some districts, 300 times in some districts and 30 times in other districts?

Khan Sahib HAMIDUDDIN AHMAD: I would draw the attention of the honourable member to the statements referred to in answers (*c*) and (*d*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the steps taken by Government as mentioned in the statement on the Library Table checked this steep rise?

Khan Sahib HAMIDUDDIN AHMAD: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government are considering the desirability of putting a stop to the further waste of public money in the directions they have so far done, as it has virtually failed to check the deaths due to cholera, small-pox and malaria in the province?

Khan Sahib HAMIDUDDIN AHMAD: Government does not think that a single *cowri* has been wasted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the deaths from cholera in the districts of Murshidabad, Mymensingh, Dacca, Malda, and Tippera, wherein the figures show that from 1942 to 1944 taking the first three months, January, February and March only, have gone up by nearly three to six times——

Mr. SPEAKER: I disallow that question.

Dr. NALINAKSHA SANYAL: Sir, I have not yet completed my question?

Mr. SPEAKER: You cannot quote figures and say three times, five times, or six times.

Dr. NALINAKSHA SANYAL: You do not allow me to quote figures. Therefore I am taking recourse to percentages.

Mr. SPEAKER: But that is not the proper way to put questions.

Dr. NALINAKSHA SANYAL: This is a very important matter, Sir.

Mr. SPEAKER: You cannot waste the whole day in that way. Please try to bring out new facts.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the allotment of quinine district by district has been on the basis of any principle determined by the number of attacks and deaths or otherwise?

Khan Sahib HAMIDUDDIN AHMAD: The allotments for various districts have been made on the requisitions of District Officers

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Public Health Department of the Government of Bengal regularly receives the figures of vital statistics from districts and base their allotments on such figures or not?

Khan Sahib HAMIDUDDIN AHMAD: I have nothing further to add. I have already said that allotments are made on the requisitions of District Officers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that with regard to small-pox vaccinations last year as mentioned in the statement laid on the Table it has been found that a large number of vaccinations proved abortive inasmuch as persons inoculated had got small-pox?

Khan Sahib HAMIDUDDIN AHMAD: Not a large number; there may be a few cases.

Dr. NALINAKSHA SANYAL: Is it a fact that the Bengal Government had to procure lymphs from outside Bengal as the production from the Bengal Vaccine Depot was very inadequate?

Khan Sahib HAMIDUDDIN AHMAD: To meet the emergency demand Government had to procure from outside.

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that vaccine from buffalo is being used by medical officers in the mofussil and it is proving abortive?

Khan Sahib HAMIDUDDIN AHMAD: Do you mean private medica practitioners?

Srijut NARENDRA NATH DAS GUPTA: No, no, Government.

Khan Sahib HAMIDUDDIN AHMAD: Government is not aware o that fact.

Dr. NALINAKSHA SANYAL: Is it a fact that vaccination or inocula tion on a larger scale could not be undertaken for want of proper vaccines

Khan Sahib HAMIDUDDIN AHMAD: No such complaint has reache the Government.

(At this stage the unstarred questions were called.)

Dr. NALINAKSHA SANYAL: Sir, I am still on my legs and I have a few more questions to ask.

Mr. SPEAKER: You have taken a long time over supplementary questions. You have finished malaria.

Dr. NALINAKSHA SANYAL: I am now coming to small-pox. What can I do?

Mr. SPEAKER: Have you got any more questions to ask?

Dr. NALINAKSHA SANYAL: Yes.

Mr. SPEAKER: On what?

Dr. NALINAKSHA SANYAL: On small-pox.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I just enunciate a principle which has been in practice so far. When a question is put and information is supplied, that information is in the hands of the members. If they like they may put further questions.

Dr. NALINAKSHA SANYAL: And wait another 8 months for a reply. You never reply in time You have not the courage to give figures.

Mr. SPEAKER: Dr. Sanyal, I will allow you one or two more questions on small-pox.

Dr. NALINAKSHA SANYAL: In view of the fact that the inadequacy of vaccines and loss of potency of lymphs have been a potent factor in the failure to check small-pox——

Mr. SPEAKER: That is a question of opinion.

Dr. NALINAKSHA SANYAL: Let him say that. Is it a fact that the supply of vaccines in the province and maintenance of the standard of potency have been severely commented upon by eminent men including the Director of the All-India Institute of Hygiene?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister——

Mr. SPEAKER: I will not allow you any more questions.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Whereabouts of certain security prisoners.

1. **Mr. SIBNATH BANERJEE:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(a) the present whereabouts of the following security prisoners who were detained under section 129, Defence of India Rules, in Presidency

Jail and were transferred to Delhi after 3rd June, 1943, when the Hon'ble High Court of Calcutta, pronounced judgment in the *Habeas Corpus* case and ordered release of 9 detenus—

(1) Sj. Basudeva Dutta Roy,
(2) Sj. Kishori Mohan Dutta,
(3) Sj. Taradas Bhattacharya,
(4) Sj. Harisadhan Sen,
(5) Sj. Ganesh Chatterjee, and
(6) Yousufzai;

(*b*) whether they were transferred to Delhi because of the difficulty of confirming them under section 26, Defence of India Rules, in view of the decision of the Hon'ble Calcutta High Court;

(*c*) whether they have been since confirmed under section 26, Defence of India Rules, in Delhi;

(*d*) if so, either before or after the judgment of the Hon'ble Federal Court, Delhi;

(*e*) what is the total number of such security prisoners transferred to Delhi, from the different jails of Bengal;

(*f*) whether they were paid diet allowance of Re.1-8 only per day during the journey;

(*g*) whether it is a fact that they were all taken separately to Delhi;

(*h*) whether expenses of Government were increased consequent upon such arrangement of separate transfers;

(*i*) whether Bengal Government or India Government will bear the cost; and

(*j*) when these security prisoners will be brought back to Bengal?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) They are all at present detained as security prisoners in jails in Bengal.

(*b*) Until the validity of Ordinance XIV of 1943 was upheld by the Hon'ble Federal Court it was not possible for Bengal to make use of the powers under rule 26 of the Defence of India Rules.

(*c*), (*d*) and (*j*) After the Hon'ble Federal Court upheld the validity of Ordinance XIV of 1943, the prisoners were brought back to Bengal, and detained under rule 26 of the Defence of India Rules. Under section 6 of Ordinance III of 1944, they are now deemed to have been detained under that Ordinance.

(*e*) Thirty-five.

(*f*) I have no information.

(*g*) and (*h*) Yes.

(*i*) The cost will be borne by the Bengal Government.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House under whose orders Sj. Basudeva Dutta Roy, Sj. Kishori Mohan Datta, Sj. Taradas Bhattacharya, Sj. Harisadhan Sen, Sj. Ganesh Chatterjee and Maulvi Yousufzai were transferred to Delhi—under the orders of the Government of Bengal or under the orders of the Government of India?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to reply (*b*).

Mr. CHARU CHANDRA ROY: In answer (*b*) it is stated "Until the validity of Ordinance XIV of 1943 was upheld by the Hon'ble Federal Court, it was not possible for Bengal to make use of the powers under rule 26 of the Defence of India Rules". But my question is definitely this. Under whose orders, under the orders of the Government of Bengal or under the orders of the Government of India, were these gentlemen transferred to Delhi?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether this was done by the Bengal Government in order to avoid the judgment of the Hon'ble High Court?

Khan Bahadur MOHAMMED ALI: There was no such intention. The statement makes it clear that detention could not be made under rule 26 which the High Court had held was not valid and as the matter was still *sub judice*, the prisoners were transferred to outside Bengal.

Mr. CHARU CHANDRA ROY: The Hon'ble High Court ordered the release of such prisoners. Will the Hon'ble Minister be pleased to tell the House why these prisoners were not released at that time under the orders of the Hon'ble High Court?

Khan Bahadur MOHAMMED ALI: The High Court merely held that rule 26 was *ultra vires*.

Mr. CHARU CHANDRA ROY: And these prisoners were arrested under rule 26 of the Defence of India Rules?

Khan Bahadur MOHAMMED ALI: The prisoners were arrested under rule 129 and subsequently detained under rule 26.

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when these gentlemen were transferred to Delhi? Is it while they were being detained under rule 26 or under rule 129?

Khan Bahadur MOHAMMED ALI: Under rule 26.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if the Government were illegally keeping them under detention under rule 26? What was the reason for transferring them to Delhi instead of releasing them?

Khan Bahadur MOHAMMED ALI: They were transferred under the orders of the Government of India.

Mr. SURENDRA NATH BISWAS: Under what rule or law did the Government of India order their detention and transfer?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether these prisoners went to Delhi of their own accord or whether they were sent by the Government of Bengal?

Khan Bahadur MOHAMMED ALI: They were taken by the Government of India.

Mr. CHARU CHANDRA ROY: Under the orders of the Government of India?

Khan Bahadur MOHAMMED ALI: Yes.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether the Government of India bore their cost?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SPEAKER: You please see the answer (1).

Mr. CHARU CHANDRA ROY: In reply to my question, it was said that they were sent to Delhi under the orders of the Government of India and my point is——

Mr. SPEAKER: You cannot argue. The facts are there.

Mr. CHARU CHANDRA ROY: My question is under whose orders were they sent to Delhi?

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state why should the Bengal Government bear the cost when they were transferred under the orders of the Government of India?

Khan Bahadur MOHAMMED ALI: I ask for notice. I thought that was the question: that is why I asked for notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state how many days after the judgment of the Hon'ble High Court these prisoners were sent to Delhi?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Imposition of ban on Maulana Ruhul Ameen for holding meeting in Noakhali.

2. **Mr. SHAH SYED GOLAM SARWAR HOSSAINI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that a ban has been imposed on Maulana Ruhul Ameen for delivery of speeches in Noakhali recently;

(*ii*) that section 144 was promulgated in Gobindpur in Feni subdivision prohibiting Maulana Ruhul Ameen to conduct a meeting there; and

(*iii*) that all meetings and gatherings especially those of Jamiat-ul-Ulama have been stopped under Government orders?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether all the meetings conducted by Maulana Ruhul Ameen are religious ones; and

(*ii*) if so, under what authority Government have stopped such meetings?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes, but the ban applies to Feni subdivision only.

(*ii*) Yes.

(*iii*) No.

(*b*) (*i*) No. The meetings which are being organised by the Jamiat-ul-Ulama are political.

(*ii*) Does not arise.

Release of Sj. Nanichand Mitter, a security prisoner, for reasons of health.

3. **Mr. SATYAPRIYA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether Sj. Nanichand Mitter, a security prisoner, lodged in Dum Dum Central Jail, aged about 18 years, had undergone an operation on account of appendicitis in the Medical College Hospital in December, 1942;

(*ii*) whether after the operation his health deteriorated to a very considerable extent;

(*iii*) whether he applied for leave for two months to live with his father at Benares for recuperation of his health; and

(*iv*) whether Government have refused to give him the leave?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of releasing Sj. Nanichand Mitter unconditionally in pursuance of the present policy of the Government to release security prisoners?

(c) If the answer to (b) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: *(a) (i), (iii) and (iv) Yes.*

(ii) I have no information to this effect.

(b) No. I do not understand what the honourable member means by the present policy to release security prisoners. Each case is considered on its merits.

(c) His release is considered inadvisable for the present.

Formation of Committee to enquire into Midnapore affairs and Dacca Jail incident.

4. Rai Bahadur JOGESH CHANDRA SEN: (a) Is the Hon'ble Minister in charge of the Home Department aware that the last Ministry promised to form a Committee—

(i) on 15th February, 1943, to enquire about Midnapore affairs; and

(ii) on 29th September, 1942, to enquire about Dacca Jail incident?

(b) If so, what steps have so far been taken in the matter?

(c) If no steps have been taken, will the Hon'ble Minister be pleased to state the reasons therefor?

(d) Will the Hon'ble Minister be pleased to state—

(i) whether the Committee is likely to be constituted; and

(ii) if so, when?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already made it clear that I do not consider myself bound to implement any promises made by my Hon'ble predecessor-in-office. Nor am I prepared to reopen the matter after such a lapse of time.

Family allowances of security prisoners.

5. Mr. SIBNATH BANERJEE: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether petitions for granting of family allowances have been received from the following security prisoners detained in the jail as noted against each of them, viz.,—

Sj. Monoranjan Banerjee—Presidency Jail.
Sj. Hirendra Kumar Roy—Presidency Jail.
Sj. Bhabatosh Dutta—Presidency Jail.
Sj. Pannalal Mitra—Presidency Jail.
Sj. Sibdas Sen Gupta—Presidency Jail.
Sj. Kalidas Dutta—Presidency Jail.
Sj. Tarapada Ghosh—Presidency Jail.
Sj. Subimal Roy—Presidency Jail.
Sj. Nalini Bhanja—Presidency Jail.
Sj. Debaprosad Guha—Presidency Jail.
Sj. Shanti Bose—Presidency Jail.
Sj. Jogeswar Chakravarty—Presidency Jail.
Sj. Nanilal Chakravarty—Presidency Jail.
Sj. Kanai Chatterjee—Presidency Jail.
Sj. Asit Ranjan Ghosh—Presidency Jail.
Sj. Prahlad Mullick—Presidency Jail.
Sj. Sudhir Mukherjee—Presidency Jail.
Sj. Nirod Baran Dutta Gupta—Presidency Jail.
Sj. Keshab Banerjee—Dum Dum Jail.
Sj. Dinesh Chandra Roy—Dum Dum Jail.
Sj. Patit Paban Pathak—Dum Dum Jail.
Sj. Ram Prasad Mukherjee—Dum Dum Jail.

Sj. Bholanath Das—Dacca Jail.
Sj. Mukunda Bhanja—Dacca Jail.
Sj. Pannalal Mukherjee—Presidency Jail.
Sj. Haridas Ghosh—Presidency Jail.

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the amount of money granted to each of them?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the respective positions of the petitions?

(*d*) Do the Government contemplate taking prompt action in granting family allowances to applicants in view of the economic distress in the Province?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

Mr. NISHITHA NATH KUNDU: Do we understand from the reply that the Government refuses to supply any information regarding security prisoners if in the question a large number of names appear?

Khan Bahadur MOHAMMED ALI: No, Sir. That has been done in the past as far as practicable.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how and why they say that the collection of information asked for would require an amount of time and labour that would not be justifiable in war time?

Khan Bahadur MOHAMMED ALI: I want to draw the attention of the honourable member to the fact that it is not only a question involving several security prisoners but it involves the question of examining their petitions, the amount of family allowance sanctioned to each and about the condition of their families, and things of that sort. I hope the honourable member will understand that the collection of statements and statistics to answer the question will involve an expenditure of time and labour which might extend over six months or so.

Mr. SURENDRA NATH BISWAS: In view of such information having been given in answer to an earlier question, will the Hon'ble Minister be pleased to state whether the Government has changed their policy with regard to supplying information about security prisoners?

Mr. SPEAKER: Mr. Biswas, that is an argumentative question.

Mr. SURENDRA NATH BISWAS: Sir, my question then will be, whether Government have changed their policy with regard to the supply of correct information about security prisoners?

Khan Bahadur MOHAMMED ALI: Certainly not. Mr. Nishitha Nath Kundu asked whether Government will refuse to give information about security prisoners if in the question there were a lot of security prisoners: I said, Government have done so in the past and will continue to do so. In this question there is not only the question of information about the security prisoners—a lot of them—but also the question regarding the grant of family allowance to each security prisoner, the condition of their families and such other information. That is why I say that it is an omnibus question.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state when this question went to his department?

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: Sir, it is lying with the Government for a long time.

Mr. SPEAKER: *I know that. You will have all information shortly.*

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to tell the House why they say that it is not possible for them to supply the information asked for and whether the Government have considered the desirability of revising the question of the amount of family allowances granted to security prisoners?

Khan Bahadur MOHAMMED ALI: I have never said that it is not possible to supply information: I said that to collect the information would entail a good deal of time and labour.

Mr. SURENDRA NATH BISWAS: Sir, my question is, whether the Government have considered the desirability of revising the amount of family allowances that have been granted to the security prisoners in view of repeated applications made by the security prisoners complaining about the inadequacy of the grant of family allowance?

Khan Bahadur MOHAMMED ALI: Government's policy about the enhancement of family allowance has been enunciated on the floor of the House several times.

Mr. SURENDRA NATH BISWAS: Sir, my question is, whether the Government have considered the desirability of revising——

Mr. SPEAKER: Will you please listen to me, Mr. Biswas? That question does not arise at all out of this question.

Mr. SURENDRA NATH BISWAS: I do not deny that. What I say is that Government have refused to supply information. The questioner had in mind to put the inadequacy of allowances——

Mr. SPEAKER: That is another matter. You cannot discuss it.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state how much time, they think, it might take them to supply the information?

Khan Bahadur MOHAMMED ALI: I cannot say that off hand. But if the question is retained and there is delay in answering the honourable members will complain: if we say that it is not possible to collect the information early, then also the honourable member will complain.

Visiting of Presidency Jail by Chief Presidency Magistrate and complaints of security prisoners.

6. **Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that Chief Presidency Magistrate, Calcutta, visited the Presidency Jail as official visitor of security prisoners on the 21st May, 1943;

(*ii*) that the security prisoners there complained to him about inefficiency, incompetency and maladministration of the jail authorities in dealing with them and in giving effect to the Bengal Security Prisoners Rules;

(*iii*) that the security prisoners there also complained about the assault on them on the 25th April, 1943, by warders and ordinary prisoners headed by the Jailor and Additional Jailor and their apprehension of further assaults on them by the same persons;

(*iv*) that the security prisoners also complained that legal facilities were denied to them by jail officials for getting redress in Law Courts regarding the assault on them on the 25th April, 1943, and other grievances; and

(v) that the security prisoners complained to him that complaints and communications to the Chief Presidency Magistrate are systematically withheld by the jail officials when sent through them?

(b) Will the Hon'ble Minister be pleased to state—

(i) whether the Chief Presidency Magistrate wrote any inspection report of his visit on the 21st May, 1943; and

(ii) whether he sent any report or recommendation to Government about his inspection?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to lay on the Table a copy of the inspection report and recommendation of the Chief Presidency Magistrate?

(d) Will the Hon'ble Minister be pleased to state what steps, if any, have been taken to redress the grievances reported to the Chief Presidency Magistrate by the security prisoners of Presidency Jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) Yes.

(c) I am not prepared to do this in the public interest.

(d) I have examined the Chief Presidency Magistrate's report. But I find from records that most of the prisoners' grievances have already been redressed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state which of the several grievances reported to the Chief Presidency Magistrate have since been redressed, and in what way?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government will consider the desirability of redressing all the grievances recommended by the Chief Presidency Magistrate?

Khan Bahadur MOHAMMED ALI: I can answer that question, with regard to the grievances; the grievances were regarding assault and regarding withholding of letters and correspondence by jail authorities, delay in despatch of letters, refusal of money orders by Jail Superintendent, return of old clothings after release, delay in removal of sick prisoners to the Medical College Hospital, increased diet allowance, accommodation, and supply of tin boxes—these were the grievances. So far as the question of accommodation is concerned, that matter was looked into and the grievances were removed. The diet allowance was also increased. Then with regard to the delay in removal of sick prisoners to the Medical College Hospital, whenever there is necessity of sending a prisoner to the Medical College Hospital, it is always done. So far as the delay in despatch of letters is concerned, Government issued orders that there should be expedition in despatch and receipt of letters by security prisoners. Therfore, there is no grievance now. So far as the question of withholding of letters by jail authorities is concerned, that was looked into. If the correspondence infringes the Bengal Security Prisoners' Rules, then the correspondence has to be withheld: otherwise there is no withholding of letters.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have redressed the grievances in full according to the recommendations of the Chief Presidency Magistrate?

Mr. SPEAKER: I think he had answered that question.

Khan Bahadur MOHAMMED ALI: The Chief Presidency Magistrate did not make all these recommendations. I forgot to mention one item. That item was about return of old clothings: old clothings that were supplied wholly or partly by Government and partly by security prisoners themselves, are now allowed to be taken away on release.

Mr. SURENDRA NATH BISWAS: *So I take it that all the recommendations of the Chief Presidency Magistrate have been given effect to?*

Mr. SPEAKER: He has not mae any recommendation—that has been the answer.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is a fact that even after the declaration made on the floor of the House that old clothes will not have to be returned before getting new clothes, the jail authorities are not issuing fresh cloths and clothings to security prisoners for months together unless the old clothes are returned?

Khan Bahadur MOHAMMED ALI: That is not correct.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is a fact that there are still in the Presidency Jail security prisoners who have been brought from other jails in the province for being examined by the experts but have not yet been examined and sent to the Medical College Hospital for special treatment?

Khan Bahadur MOHAMMED ALI: As far as the Government is aware, the statement made by the honourable member is not correct.

Mr. NISHITHA NATH KUNDU: May I enquire why security prisoner Bimal Ranjan Chatterji who had been brought from the Rajshahi Central Jail for the Medical College Hospital for special treatment has not been admitted into the hospital?

Khan Bahadur MOHAMMED ALI: The matter will be looked into.

Mr. CHARU CHANDRA ROY: Of the five grievances which the security prisoners put before the Chief Presidency Magistrate, namely, Nos. 1 to 5, will the Hon'ble Minister be pleased to tell the House what steps did Government take up till now about these complaints one by one?

Khan Bahadur MOHAMMED ALI: I have already said that.

Mr. CHARU CHANDRA ROY: No, you have not.

Mr. SPEAKER: What is your point?

Mr. CHARU CHANDRA ROY: My point is about grievance No. 2, namely, that security prisoners there complained to him about inefficiency, incompetency and maladministration of jail officials dealing with them and in giving effect to the Bengal Security Prisoners Rules. Government admits and says "yes". It is a fact but they have not said anything as to whether they have redressed this grievance of security prisoners or not.

Khan Bahadur MOHAMMED ALI: I have already stated that most of the legitimate grievances have been redressed.

Mr. SPEAKER: He has said in his own way all that he had got to say.

Mr. CHARU CHANDRA ROY: Just now he has said about clothing and other things, but there are particular grievances of security prisoners.

Mr. SPEAKER: You better put that question.

Mr. CHARU CHANDRA ROY: My question is: has complaint No. 2 been removed?

Khan Bahadur MOHAMMED ALI: There was no question of inefficiency, incompetency or maladministration.

Mr. CHARU CHANDRA ROY: Has grievance No. 3 been removed?

Khan Bahadur MOHAMMED ALI: Government do not find any legitimate grievance as far as I can see and I might say that Mr. Nishitha Nath Kundu, filed two petitions of complaint before the Chief Presidency Magistrate and they were dismissed under section 203, Criminal Procedure Code.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether grievance No. 4 has been removed?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether grievance No. 5 has been removed?

Khan Bahadur MOHAMMED ALI: There is no grievance. All petitions were forwarded to the Chief Presidency Magistrate.

Mr. CHARU CHANDRA ROY: Are we to understand that none of these grievances have been remedied?

Mr. SPEAKER: That question does not arise out of this question.

Emergency Hospital Scheme of the Indian Medical Association.

7. **Mr. J. C. GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government (Civil Defence Co-ordination) Department aware—

(*i*) that the medical provisions in the A.R.P. Emergency Hospitals in Calcutta and other threatened areas of Bengal are still incomplete, inadequate and likely to prove ineffective when the actual emergency arises;

(*ii*) that a Committee of experts appointed by the Bengal Provincial Branch of the Indian Medical Association dealt with the question of medical protection for the civilian population, and formulated a skeleton scheme on medical aspects of Civil Defence for the Province of Bengal, a copy of which was sent to each of the Hon'ble Ministers in March, 1942, and which was discussed at a meeting at the office of the Surgeon-General with the Government of Bengal, at which the Chief Medical Officer, A.R.P., and the representatives of the expert Committee were present;

(*iii*) that the then Minister in charge of the department and the Surgeon-General with the Government of Bengal called a conference of medical men at the Calcutta Medical Club on the 27th December, 1941, when in their presence and with their consent, a "Liaison Committee" consisting of Dr. B. C. Roy, Dr. K. S. Roy, and other representative medical men were elected to advise the Government on the medical aspects of Civil Defence; and

(*iv*) that when the Government of Bengal did not fully utilise the assistance and co-operation of the Indian Medical Association and of the "Liaison Committee" appointed by the medical profession and accepted by the Government, the Bengal Provincial Branch of the Indian Medical Association submitted a memorandum on the subject to the Government in August, 1942?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he would propose to take for the proper medical protection, against enemy air activity, of the civil population of this Province?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*) No.

(*ii*) and (*iii*) Yes.

(*iv*) Government did try to utilise the assistance of and co-operation of *the Indian Medical Association, and the "Liaison Committee": the Bengal Provincial Branch of the Indian Medical Association did submit a memorandum to Government on the subject.*

(*b*) Necessary steps have already been taken.

Resignation of Mr. McInnes, Foodgrains Purchase Officer.

8. Mr. DHIRENDRA NATH SEN: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether Mr. McInnes, the Foodgrains Purchase Officer, Government of Bengal, has tendered his resignation?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for his resignation?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes; in July, 1943.

(*b*) Mr. McInnes desired to be released from his post as he felt that owing to changed conditions, viz., the introduction of free trade and the practical cessation of purchases within Bengal, it was unnecessary to have an officer of his seniority for this post.

Employment of relatives of Hon'ble Ministers, Parliamentary Secretaries, etc.

9. Maulvi ABDUR RAZZAK: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the total number of persons appointed in 1943-44 by the Provincial Government drawing a salary of Rs.50 and over per month with their names and academic qualifications; and

(*b*) how many of them are related to the—

(1) Hon'ble Ministers,
(2) Parliamentary Secretaries, and
(3) members supporting the Government?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): The information is not readily available and Government consider that collection of such information would involve an amount of time and labour quite incommensurate with its value.

Requisitioning of Dr. K. K. Das's house in Brahmanbaria town.

10. Mr. DHIRENDRA NATH DATTA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that a corrugated tin-roofed house on the slope of the northern bank of Lokenath tank in the town of Brahmanbaria, district Tippera, owned by Dr. K. K. Das of Brahmanbaria town, was requisitioned by the Subdivisional Officer, Brahmanbaria, for the use of Babu Satish Chandra Guha, Sub-Inspector of Police, Brahmanbaria, under rule 75A of Defence of India Rules;

(*ii*) that the said house was in the possession of Babu Kamini Kanta Bardhan, Doctor, Comilla, as a lessee on payment of monthly rent;

(*iii*) that the said Babu Kamini Kanta Bardhan was not served with any notice under Defence of India Rules;

(*iv*) that Babu Satish Chandra Guha, Sub-Inspector, for whose use the house was requisitioned was in occupation of a Government-owned house then;

(*v*) that Babu Satish Chandra Guha entered into the house by show of force;

(*vi*) that the male members of the house being away, he (Satish Chandra Guha) obtained the key from the female member who made it over in fear;

(*vii*) that the articles and goods and the "plate" on which the name of the lessee was written were removed by the said Satish Chandra Guha;

(*viii*) that the lessee Babu Kamini Kanta Bardhan, well-known medical practitioner at Comilla, petitioned the District Magistrate, Tippera, stating all the facts above for the restoration of the house; and

(*ix*) that in spite of reminder sent by said Babu Kamini Kanta Bardhan no relief has been given to the petitioner Babu Kamini Kanta Bardhan?

(*b*) If the answer to clause (*a*) is in the affirmative, are the Government considering the desirability—

(*i*) of issuing instructions to the District Magistrate of Tippera for granting relief to the petitioner Babu Kamini Kanta Bardhan by restoring to him the possession of the house; and

(*ii*) of issuing further instructions that in future rule 75A of Defence of India Rules should not be applied for the requisition of any private house for the use and occupation of any civil officer of the town?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) (*i*) and (*viii*) Yes.

(*ii*) At the time of requisitioning, the house was vacant. It later transpired that Dr. Bardhan held it on lease.

(*iii*) Dr. Bardhan was not served with a notice as at the time the order was passed his connection with the house was not known to the District Officer.

(*iv*) Babu Satish Chandra Guha was temporarily occupying the quarters of an Assistant Inspector, Jute Regulation. This officer has since occupied his quarters.

(*v*) and (*vii*) No.

(*vi*) No. The house being vacant, the key was produced by a relative of Dr. Bardhan, who lived nearby

(*ix*) An empty house was requisitioned in a very congested town. The lessee was not put to any loss, and therefore entitled to no relief.

(*b*) (*i*) No case has been made out for cancellation of the requisition order.

(*ii*) A general order of this nature cannot be issued in a district where conditions are so abnormal. Every case has to be considered on its merits.

Mr. DHIRENDRA NATH DATTA: Is it not a fact that there was a plate bearing the name of Dr. Kamini Kanta Bardhan in front of his house?

The Hon'ble Mr. TARAK NATH MUKERJEA: Might be.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether it is not a fact that it was within the knowledge of the Subdivisional Officer, before the order of requisition was passed, that Dr. Kamini Kanta Bardhan was a lessee?

The Hon'ble Mr. TARAK NATH MUKERJEA: Government had no such information.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us whether the requisition of a house for accommodation of a civil officer is necessary for securing the defence of British India?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have nothing further to add to what I have already stated.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us whether the requisition of a house for the accommodation of a civil officer is necessary for securing the defence of British India, public safety and maintenance of public order and the efficient prosecution of the war?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is well known to this House that a most abnormal situation was then prevailing, and the District Officer was considered to be quite competent to deal with the situation.

Mr. NISHITHA NATH KUNDU: Is it the policy of this Government to oust a civilian from his residence to accommodate a civil officer and, for that purpose, take resort to the provisions of section 75A of the Defence of India Rules?

The Hon'ble Mr. TARAK NATH MUKERJEA: These actions are governed generally by rules laid down by the Government and the Collector was given the necessary authority to exercise his own careful discretion in dealing with the situation.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether it is not a fact that there were a large number of public houses lying vacant even at the time when this house was requisitioned by the District Magistrate?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information. I want notice.

Mr. ATUL CHANDRA SEN: Will the Ho'ble Minister be pleased to state whether Government is satisfied that there was no element of vindictiveness on the part of the District Magistrate?

Mr. SPEAKER: I disallow that question.

STARRED QUESTIONS

(to which oral answers were given)

Assault on a security prisoner in the Presidency Jail.

*16. **Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware—

(*i*) that a formal petition of complaint was lodged on the 28th April, 1943, by Sreejut Satyes Bhattacharyya, a security prisoner, before the Chief Presidency Magistrate, Calcutta, regarding an assault made on the security prisoners in the Presidency Jail on the 25th April, 1943; and

(*ii*) that another petition of complaint regarding the above mentioned assault was handed over to the Jail officials of the Presidency Jail on the 6th May, 1943, for forwarding it to the Chief Presidency Magistrate?

(*b*) If the answer to (*a*) is in the negative, is the Hon'ble Minister considering the desirability of enquiring into the matter?

(*c*) Is it a fact that in both the complaints the petitioners prayed for sanction from the Government to proceed against the officers who were alleged to be responsible for the assault?

(*d*) If so, have the Government granted the sanction?

(*e*) If no sanction has been granted, will the Hon'ble Minister be pleased to state the reasons thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*), (*d*) and (*e*) Do not arise.

(*c*) No.

Mr. CHARU CHANDRA ROY: With reference to answer (*a*) in which Government admits that there were petitions like that, will the Hon'ble Minister be pleased to state whether sanction to complain was given to the petitioner against the officers of jail?

Khan Bahadur MOHAMMED ALI: Government permission for sanction was not asked for.

Non-availability of certain amenities for security prisoners of Buxa Special Reserve Jail.

***17. Mr. JNANENDRA CHANDRA MAJUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware that in the Buxa Special Reserve Jail many of the amenities that are available to the security prisoners in other jails are not available, namely,—

(1) that fish are not available every day;

(2) that fresh fish are not supplied at all;

(3) that supply of water is irregular and insufficient;

(4) that the water on examination and analysis was found to be unsuitable for drinking purposes;

(5) that fruits, medicines and other necessary articles prescribed by the Medical Officer for the patients, the sick and other needy security prisoners are very often not supplied though repeated requisitions are made by the Medical Officer;

(6) that the amount of money sanctioned by the Government for sports and games, both indoor and outdoor, is very insufficient and small;

(7) that no arrangement for eye examination and dental treatment exists and many eye and dental patients, though recommended by the Medical Officer for transfer to the Jalpaiguri Hospital have not been transferred as yet and are suffering for want of proper treatment.

(8) that rainfall is very heavy and continuous and the different living quarters or yards, dining halls, cooksheds, latrines and the Hospital building are all scattered and separated from each other;

(9) that only a few umbrellas have been supplied for 150 security prisoners who, consequently, have to undergo great difficulties and inconveniences during the rains;

(10) that no *matlas*, *tokas* or bamboo-made rain covers have been supplied for use by the ordinary prisoners causing great inconveniences to them;

(11) that *dhotis*, shirts, shoes, toilet and other articles though long overdue are not being supplied;

(12) that due and adequate number of chairs and cooking utensils have not been supplied and the chairs that have been supplied are mostly broken and unuseable;

(13) that there is no jail library as in other jails and no arrangement exists for the supply of books for study;

(14) that the climate of Buxa is unsuitable and most of the security and ordinary prisoners and jail warders and members of official staff are often laid down with diarrhœa and fever; and

(15) that no steps are being taken by the Government in the case of some security prisoners who have been recommended for transfer by the Medical Officer on medical ground?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he contemplates to take in order to remove the grievances and inconveniences mentioned above?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (1), (2) and (8) Yes.

(3), (4) and (11) No.

(5) Medicine has always been supplied according to prescriptions, but fruits and other articles were not sometimes available.

(6) No; the same scale of grant for games obtains in all the jails.

(7) No; arrangement for eye examination already exists. All who needed immediate dental treatment were transferred to the General Hospital, Jalpaiguri.

(9) No; for 145 security prisoners there are as many as 48 umbrellas.

(10) No; only there was some delay in getting the supplies as they are not locally available.

(12) No; only there was some delay in the supply of a number of chairs.

(13) There is no library in the jail, but arrangements have been made for the supply of books from outside libraries at the expense of Government.

(14) No; there was an epidemic of diarrhœa and influenza during the rains, as is common at every hill station.

(15) No.

(*b*) I refer the honourable member to the replies to (*a*) of the question.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (1) and (2), will the Hon'ble Minister be pleased to state why fresh fish was not supplied every day?

Khan Bahadur MOHAMMED ALI: Fresh fish was not available in the local market.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the amount of grant per head per year?

Khan Bahadur MOHAMMED ALI: With reference to what question?

Mr. NISHITHA NATH KUNDU: With reference to question (*a*)(6).

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (3), will the Hon'ble Minister be pleased to state what is the quantity of water supplied or available per head?

Khan Bahadur MOHAMMED ALI: How can I say the quantity available per head?

Mr. ATUL CHANDRA SEN: You must know.

Khan Bahadur MOHAMMED ALI: Then, I ask for notice.

Mr. SPEAKER: Question time is over

Adjournment Motion.

Mr. DHIRENDRA NATH DATTA: I have got an adjournment motion in my name.

Mr. SPEAKER: Have you got my consent?

Mr. DHIRENDRA NATH DATTA: No.

Mr. SPEAKER: Then, you cannot move it.

Mr. DHIRENDRA NATH DATTA: May I know the reason?

Mr. SPEAKER: I have been asked to give the reason why the adjournment motion tabled by Mr. Dhirendra Nath Datta has been refused consent. The whole thing simply may be said thus. If there is malaria in Tippera, his complaint is not that the Government is responsible for this malaria but his complaint is about certain details of administration, namely, the absence of suitable agency for distribution of anti-malarial drugs in certain localities in Tippera. He has calculated that the conveyance charge for bringing the drug is more than the profit that will be earned. These are things which the Government may not themselves know. Therefore I don't think that such a matter can form a good ground for an adjournment motion. In my opinion these things may very easily be brought to the notice of Government by questions, and, if necessary, by short-notice questions.

Mr. DHIRENDRA NATH DATTA: My complaint is——

Mr. SPEAKER: I cannot allow that.

Mr. CHARU CHANDRA ROY: On a point of privilege, Sir. We are finding that we cannot ventilate the grievances of the mufassil in this House. No days have been kept apart for special motions and if we bring forward any special motion, we do not get the consent of Government. As you have just now told us, we may put short-notice questions but they are never answered. Even long-notice questions are never answered. We are getting answers one year afterwards. In these two days we find that our adjournment motions are being refused.

Mr. SPEAKER: Order, order, please. As regards adjournment motions, I have got the right or the power to disallow an adjournment motion and I have done that according to the rules. That is all that I can tell you. As for the other grievance that you have made, the remedy lies in your hands, not in my hands.

Sj. NARENDRA NATH DAS GUPTA: We are helpless.

Mr. SPEAKER: If you do not know, I cannot help you.

Mr. M. SHAMSUDDIN AHMAD: There are two adjournment motions put before you from my party, one regarding yarn and the other regarding the price of jute. You have been pleased to rule out the two adjournment motions. May we know what the Government is doing? You have of course ruled out the adjournment motions and therefore we cannot discuss the matter on the floor of the House. May we know, through you, what is the Government doing? We know the situation in the country regarding the yarn and regarding the price of jute——

Mr. SPEAKER: You are the Leader of a party. You know that these things cannot be discussed in this way. If you have got any grievance, the rules are there. You can follow the rules and act according to the rules.

Mr. M. SHAMSUDDIN AHMAD: Rules have been followed but you have been pleased to rule out the rules.

Mr. SPEAKER: Adjournment motion is an extraordinary procedure, and it is applicable only under certain circumstances prescribed by the rules. I have got to act according to the rules. I have acted according to the rules and consequently I do not think the matter can be discussed now. If you have got any other remedy according to the rules, it is certainly open to you to adopt it. Let us now proceed with today's business.

GOVERNMENT BILLS.

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as passed by the Bengal Legislative Council.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, regarding the motions of my friends Rai Harendra Nath Chaudhuri and Dr. Nalinaksha Sanyal about increasing the limit of valuation, I would only request the House to consider the actual situation which was then prevailing in the year 1943. The prices of food articles, especially rice and paddy, were going up and the prices of land were also fairly high. People were expecting bumper crops almost in the whole province. So, Sir, it was only under extreme necessity that people sold their lands for their maintenance, and just to save themselves from starvation. Government wants to give relief only to those who have really been forced to sell land to save themselves. As I have already stated yesterday, over 80 per cent. of the transactions which took place in the affected areas during the year 1943 were for sums below Rs. 250. Taking all these facts into consideration Government think that the amount suggested in the Bill is quite fair and proper. I hope the House will accept that.

Dr. NALINAKSHA SANYAL: I have merely formally moved my amendment. I want to speak now.

Mr. SPEAKER: You did not speak?

Dr. NALINAKSHA SANYAL: No.

Mr. SPEAKER: I shall allow you to speak later.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move that for sub-clause (*1*) (*b*) of clause 4 the following be substituted, namely:—

"(*b*) he satisfies the Collector that the alienation of such land was necessary for the maintenance of himself or of his family."

Sir, sub-clause (*1*) (*b*) provides that a person to get back his land will have to satisfy the Collector that he could not have maintained himself or his family except by making alienation of such land. Sir, I have proposed to change the words just for the reason that it should be quite sufficient for any person to prove that it was necessary, if not indispensable, for his maintenance or for the maintenance of his family to sell that land. He should not be required to prove anything more than that, but the Bill proposes that he must prove that he could not have maintained himself at all without selling his land, that there was no other course open to him to maintain himself or his family. Take, for instance, the case of a person who applies to the Collector to get back his land and the Collector finds that there was a tuccavi loan given to the person but the person submits that the loan given was not sufficient to maintain himself or his family. The Collector may come to the conclusion that when there was another course open to him, namely, he availed or might have availed of the tuccavi loan, it was not necessary for him to sell out his land. Not only that; the Collector might hold the view that in any area where a relief scheme was in operation, a seller of land could have availed himself of the relief granted there and need not have sold his land at all. The person ought to have depended on relief and ought not to have sold his land to maintain himself.

Sir, why should the relief be confined simply to the extreme case, namely, where a preson cannot maintain himself at all, without selling his land? Sir, as I have phrased it, it will only be necessary for the person to prove that the transfer was necessary to maintain himself and his family and not to prove that there was no other course open to him. Whether there was any other course open to him or not, that should not be a subject-matter of enquiry at all.

Sir, I beg to move that in sub-clause (2) (a) of clause 4, line 6, for the word "person" the following words be substituted, namely:—

"successor in interest of the transferee."

Sir, the sub-clause runs as follows:—

"When the Collector makes an order for payment by instalments under sub-section (1), he shall direct such instalments to be paid—

(a) in the case where the agricultural land in respect of which such order is made has been alienated by the transferee before the date of such order by means of a *bona fide* transfer for valuable consideration, or a *bona fide* gift by a registered instrument or *heba*, to the person in possession of such land as a result of such alienation;"

Sir, the person in possession of such land may not be the successor in interest of the transferee and there may be cases where the successor in interest of the transferee and the person in actual possession of the land may be altogether different persons. Sir, the person who should be asked to re-transfer the land should be the successor in interest of the transferee and not the person who holds actual possession of the land. I have therefore proposed to change the word "person" and substitute the words "successor in interest of the transferee" The sub-clause would then run as "successor in interest of the transferee in possession of such land as a result of such alienation." I think, Sir, that will be more legal and that will not allow the successor in interest of the transferee if he is not in possession to escape.

Sir, I also beg to move that for sub-clause (3) of clause 4 the following be substituted, namely:—

"(3) Where an application made under sub-section (1) is accompanied by a statement verified in the manner prescribed that the transfer of the agricultural land by sale referred to in that sub-section by the proprietor, tenure-holder, *raiyat* or under-*raiyat* was necessary for the maintenance of himself or of his family the Collector shall for the purpose of clause (b) of that sub-section presume such statement to be correct until the contrary is proved."

Sir, it is provided in the sub-clause that the verified statement as to the necessity of the transfer should be accepted by the Collector, that the Collector ought to presume the statement to be correct if it is a verified statement regarding the necessity of transfer for his or his family's maintenance. I have proposed to substitute the phrases of sub-clause (1) (b) (amendment No. 5) and in keeping with that amendment, Sir, I have re-drafted this sub-clause. If my amendment No. 5 be accepted, only in that case it will be necessary to redraft this sub-clause in this way; otherwise not.

Sir, I next move that in sub-clause (5) of clause 4, line 4, for the word "sold" the words "advertised for sale" be substituted.

Sub-clause (5) runs thus:—

"Where any agricultural land in respect of which an order under sub-section (1) is made is, after the date on which such order takes effect under sub-section (1) of section 5, sold in execution of a decree or of a certificate signed under the Bengal Public Demands Recovery Act, 1913, other than a certificate for the recovery of any amount payable under such order, the whole of the amount payable under the said order then remaining due shall notwithstanding anything contained in such order at once become due and payable."

Sir, if the land is going to be sold otherwise in that case it is going to be provided that the outstanding instalments will fall due at once. Now, Sir, if the land is sold and thereafter the outstanding instalments fall due, how is the transferee going to be benefited at all? This sub-clause is of course inserted in the interest of the transferee. If it is intended to give to the

transferee a chance of realising the outstanding amount, then, Sir, he should be given the chance before the sale actually takes place, otherwise if after the sale this right to realise the outstanding amount accrues, then he will not be benefited at all. I have therefore suggested that instead of the word "sold" the words "advertised for sale" should be substituted.

The Hon'ble Mr. TARAK NATH MUKERJEA: These amendments, Sir, are rather unnecessary, I mean the amendments Nos. 5, 6, 7 and 8. These are merely verbal changes which neither improve the sense nor give greater facilities to those for whom it is intended. They are merely verbal changes which do not improve the situation. I consider them unnecessary and I hope, Sir, the honourable members would not press those amendments.

The motion of Rai Harendra Nath Chaudhuri that in sub-clause (*1*) of clause 4, line 5, for the words "two hundred and fifty" the words "five hundred" be substituted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 4 (*1*), line 5, for the words "two hundred and fifty" the words "one thousand" be substituted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that for sub-clause (*1*) (*b*) of clause 4, the following be substituted, namely:—

"(*b*) he satisfies the Collector that the alienation of such land was necessary for the maintenance of himself or of his family"

was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in sub-clause (*2*) (*a*) of clause 4, line 6, for the word "person" the following words be substituted, namely:—

"successor in interest of the transferee"

was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that for sub-clause (*3*) of clause 4, the following be substituted, namely:—

"(*3*) Where an application made under sub-section (*1*) is accompanied by a statement verified in the manner prescribed that the transfer of the agricultural land by sale referred to in that sub-section by the proprietor, tenure-holder, *raiyat* or under-*raiyat* was necessary for the maintenance of himself or of his family the Collector shall for the purpose of clause (*b*) of that sub-section presume such statement to be correct until the contrary is proved"

was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in sub-clause (*5*) of clause 4, line 4, for the word "sold" the words "advertised for sale" be substituted, was then put and lost.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon"ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Murshidabad Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to introduce the Murshidabad Bill, 1944

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I would not like to intervene in a measure like this, but I would not permit this idea to go unchallenged that the Hon'ble Minister would move a motion of introduction. Under our rules when a Government Bill is published in the Gazette, the introduction stage is finished, but the formal laying on the table could be done by the Secretary. That was your ruling on the last occasion, but for the time being we take it that the previous convention was allowed to be continued Sir, there is an unfortunate difficulty in this case. Although we do not raise that objection today, if on the day of introduction there is a motion of introduction and the House accepts consideration on that very day, it would be difficult to continue, because there are many Bills which are only available after introduction and on the same day the consideration of the Bill would not be possible. Therefore, Sir, I would not like this to be treated as a precedent for future occasions, although for the time being we do not want to object.

Mr. SPEAKER: I have understood your point, but I am not called upon to give any ruling. So let us proceed.

(Secretary then read the short title of the Bill.)

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Murshidabad Bill, 1944, be taken into consideration.

Sir, I will be very brief. I will only tell this House that this is only a short and simple Bill and contains nothing but the family arrangements which have received not only the personal but the fullest support of the Nawab Bahadur himself, his eldest son the Murshidzada and other sons the Sahibzadas. As the estate is now under the management of the Court of Wards and which has given this body the authority to make these arrangements for the future Nawabzadas, I would only appeal to the House to consider that it is also a part of our present duty to see that the brothers and other members do not starve, and since this measure has received the

whole-hearted support of all the members of the family concerned, I hope the House will have no hesitation to give its seal of approval to it. I will not detain the House any longer, but I would only place this simple and short Bill before the House for their unanimous acceptance.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg to move by way of amendment that the Murshidabad Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Revenue Department.
(2) The Hon'ble Mr. K. Shahabuddin,
(3) The Hon'ble Nawab Musharruff Hossain, Khan Bahadur,
(4) Mr. Razaur Rahman Khan,
(5) Khan Bahadur Mohammed Ali,
(6) Dr. Nalinaksha Sanyal,
(7) Rai Harendra Nath Chaudhuri,
(8) Mr. Syed Hasan Ali Choudhuri,
(9) Maharajadhiraja Bahadur Uday Chand Mahatab, of Burdwan,
(10) Maharaja Srischandra Nandy, of Cossimbazar,
(11) Mr. A. K. Fzlul Huq,
(12) Mr. Kiran Sankar Roy,

with instructions to submit their report by the 8th December, 1944, and that the quorum of the Select Committee be fixed at five.

Sir, the difficulty is that we are often asked to give our verdict on a subject regarding which we have no information or knowledge. That is our difficulty. So, I suggest that this Bill may be referred to a Select Committee to find out what is the income of the estate, whether the estate can stand the burden of, say, a lakh of rupees a year, what is the present provision of those members whose cases are going to be safeguarded by this Bill, whether the pension should be for life in all cases or be limited for a certain period in some cases, what is the amount that can be set apart for such purposes, whether the entire agricultural land of the estate should be charged for this payment and, if so, what is the effect, whether some particular *mauzas* only should be set apart for this charge and whether dependants should be liable to attachment at all. These are the points which I want the Select Committee to consider. With these words I commend my motion to the acceptance of the House

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I would only appeal to my friend not to press his motion. This is a very beneficent measure which is to benefit the family of the premier nobleman of Bengal. I think that the sooner the Bill is passed the better it will be I would therefore request my friend not to press his motion.

Mr. DHIRENDRA NATH DATTA: I want to know whether the financial burden on the province will increase thereby

The Hon'ble Mr. TARAK NATH MUKERJEA: Not by a single farthing.

Rai Bahadur JOGESH CHANDRA SEN: The Hon'ble Minister is a big zamindar himself and if he is satisfied that the estate can bear the charge, I have no objection. Therefore I beg leave of the House to withdraw my motion.

Mr. SPEAKER: Leave has been asked by Rai Bahadur Jogesh Chandra Sen to withdraw his motion. Is there any objection?

(No objection was raised.)

The motion of Rai Bahadur Jogesh Chandra Sen was then by leave of the House withdrawn.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that the Murshidabad Bill, 1944, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Dr. NALINAKSHA SANYAL: Sir, I am sure that honourable members on the Government side who are very great supporters of Muslim culture and want to maintain the traditions of a very reputed house would readily accept and agree with my amendment. As this Bill is going up to the Council, I suppose it is necessary here and now to improve the drafting in a manner that there may not be a further necessity for this Bill to come back to this House with proposals and alterations at a later stage.

I beg to move that in clause 2 (*d*), in line 1, for the word "son" the words "a male child born of a Muslim wife married lawfully and in accordance with the custom and tradition of the family" be substituted.

Khan Bahadur MOHAMMED ALI: Can there be unlawful marriages?

Dr. NALINAKSHA SANYAL: Yes, there have been. I hope my friends on the other side will not provoke me. I do not like to bring up instances but we who come from Murshidabad holding the house of Murshidabad in high esteem would respectfully request this House to see how the traditions and integrity of the house and the purity of its blood as Muslims may be maintained. Unfortunately there have been instances in which some of the sons, of the Mrshidabad family think of taking wives from communities which are not ordinarily permissible under the traditions of that house. There have been instances (Khan Bahadur MOHAMMED ALI: How do you preach Hindu-Muslim unity?) in which the children born of such wedlock have not been up to the expectation of the family of the Nawab Bahadur. In fact, if I am not giving out any secret here, those members who are today waxing eloquent over this Bill should know that the real reason for bringing forward this legislation here in this House today is such an unfortunate marriage which has led to the breaking up the peace and integrity of that family of Nawab of Murshidabad. I want therefore this matter to be very carefully gone into and I think that my friend, the third son of the Nawab Bahadur who is also a member of this House, would himself advise the acceptance of this amendment of mine that the definition of a "son" should be such that there cannot be in future any scope for any unauthorised marriage or children born out of careless and promiscuous connections might not claim rights of property which we would not like ordinary respectable persons to obtain.

With these words I would request the Hon'ble Minister in charge to accept this amendment which is moved in the best of spirit.

Sir, I have also sought in the second amendment to add to the clauses the definition of daughter. The word "daughter" appears later on. As you may be aware, in certain legislation the term "son" includes a "daughter" also. Here I would like to make that position clear. The son must be a male child and the daughter must be a female child. In either case, the child born must be born out of lawfully married wedlock and out of a wife who may be married under Muslim law, preferably a Muslim. I would like to have it amended if members can suggest any improvement. Personally I feel that it ought to be in the same way as I have put it. But if there is any short-notice amendment to improve the drafting I am prepared to accept it. My apprehension has been given in my wording. Therefore I move that after clause 2 (*d*) the following new sub-clause be added, namely:—

"(*e*) 'daughter' means a female child of a deceased Nawab Bahadur born of a lawfully married Muslim wife".

The Hon'ble Khwaja Sir NAZIMUDDIN: I would request Dr. Sanyal not to press his amendment though he may be moved by a very genuine sentiment to try and make an amendment of this character, but I am afraid that it infringes the Muslim law of *Shariat*. Sir, Muslims can legally marry persons other than Muslim women.

Dr. NALINAKSHA SANYAL: Even prostitutes!

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very unfortunate. I don't think that Dr. Sanyal has been really moved by any genuine spirit. I have my doubts about it. He tries to malign people. Nothing would be more objectionable than this. If he is going to take up that attitude, I strongly oppose this amendment. It is against Muslim law, and as long as children born of lawful wedlock can marry according to the *Shariat*, there can be no objection to the provisions of this Bill. It is clear in this Bill that it will be children born out of lawful wedlock married according to *Shariat*.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I will only add that those who have a little knowledge of English would say that son and daughter always mean legitimate son and daughter.

The motion of Dr. Nalinaksha Sanyal that in clause 2 (*d*), in line 1, for the word "son" the words "a male child born of a Muslim wife married lawfully and in accordance with the custom and tradition of the family" be substituted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that after clause 2 (*d*), the following new sub-clause be added, namely:—

"(*e*) 'daughter' means a female child of a deceased Nawab Bahadur born of a lawfully married Muslim wife"

was then put and lost.

(The House was at this stage adjourned for 15 minutes for prayer.)

(After adjournment.)

The question that clause 2 stand part of the Bill was then put and agreed to.

New clause 2A.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg to move that after clause 2 the following new clause 2A be inserted, namely:—

"2A. This Act shall come into force after the death of the present Nawab Bahadur of Murshidabad".

Sir, this is a new provision which is going to be made for certain members of the family of Nawab Bahadur. We want to fix up the time; so I have tabled this motion. I have said after the demise of the present Nawab Bahadur—may he live long—this Act may come into force. I have no information on the matter, so it is difficult to say anything more.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I formally oppose it.

The motion of Rai Jogesh Chandra Sen Bahadur that after clause 2, the following new clause 2A be inserted, namely:—

"2A. This Act shall come into force after the death of the present Nawab Bahadur of Murshidabad"

was then put and lost.

Clause 3.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg to move that in clause 3 (*1*) (*b*), in lines 2 and 3, for the words "one thousand eight hundred rupees" the expression "six hundred rupees for the first 20 years and thereafter at the rate of Rs. 300" be substituted.

Sir, I move this amendment with a view to effect economy. I do not want that the figures should be so high and so I have suggested this amendment.

I also beg to move that in clause 3 (*1*) (*c*), in line 1, for the words and brackets "the sons and daughters (if any)" the words and brackets "the minor sons and unmarried daughters (if any)" be substituted.

My object is that those who are helpless should be protected. They should not be given pension all along. That is the idea behind this amendment.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 3 (*1*) (*c*), in line 1, after the brackets and words "(if any)" the words "born of a lawfully married wife" be inserted.

Sir, I need hardly add any speech for this. I hope that at least this amendment will be accepted

Sir, I also beg to move that in clause 3 (*1*) (*c*), in line 4, for the words "six hundred" the words "one thousand" be substituted

Sir, this, I believe, requires some explanation. This clause 3 provides for allowances to daughters and younger sons and children of the deceased Nawab Bahadur and for charging the agricultural land belonging to the Nawab Bahadur for the time being for payment thereof The amounts provided have been different. There have been many different suggestions in this connection. It will be noticed that for each younger son of the Nawab Bahadur a monthly allowance of Rs. 1,800 has been allowed. But, on the other hand, for the sons and daughters of any deceased younger son of the Nawab Bahadur a much smaller amount of Rs 600 has been provided. I submit, Sir, that there should not be such a big difference between the living younger son and the son's son when the son is deceased. Even so, I submit that the sum should be increased if it cannot be brought up to the amount of Rs 1,800 as in the case of a younger son of the deceased Nawab Bahadur. The amount should at least be raised in some substantial manner, so that the dignity of the Nawab Bahadur's family may be maintained by such children of the family, who, for no fault of theirs, have lost their father earlier than their brothers. I therefore hope that this amendment will be acceptable and the Hon'ble Minister will accept this amendment.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg to move that in clause 3 (*1*), lines 20 to 23, for the words "and all the agricultural lands so mentioned in or added to the said Schedules are hereby charged with the due payment of the said allowances" the words "and some *touzis*, *mouzas* or *mahals* to be fixed by the Provincial Government will be charged for the due payment of the said allowances" be substituted.

Sir, my idea is this. If you charge the entire agricultural land of the Nawab Bahadur, the Nawab Bahadur may not be able to till the land in the best interests of the estate. So I have suggested that some *touzis*, *mouzas* or *mahals* may be kept as a charge for due payment of these allowances. These are my points.

Sir, I also beg to move that in the proviso to clause 3 (*1*), lines 2 and 3, for the words "the sum of one lakh of rupees" the words "the sum of sixty thousand rupees" be substituted.

Sir, I do not know the financial position of the estate So, I have suggested Rs. 5,000 as the monthly allowance, as we have to grope in the dark.

I further beg to move that in clause 3 (*2*) (*b*), lines 7 and 8, for the words "until the said son or daughter, as the case may be, of the said younger son dies" the words and brackets "until the minor son (if any) attains majority or unmarried daughter is married" be substituted.

Sir, I want the allowances to be paid for a limited period, *i.e.*, till the minor son attains majority and the unmarried daughter is married.

The Hon'ble Mr. TARAK NATH MUKERJEA: *Sir, I simply say that these provisions out of the total income have been made not only with the fullest* consent of all concerned but after most earnest and careful consideration. Political pension will not be touched in any way, nor will it touch Government revenue in any way. A provision of one lakh of rupees has been earmarked for paying allowances to daughters, sons and others. And, Sir, to change all this is to completely upset the whole arrangement. In fixing these amounts, the requirements of the Nawab Bahadur himself as well as those of his brothers, sisters and others have been carefully considered. Taking all these facts into consideration, this amount has been provided, and I hope the honourable member will not press the amendment to a division.

As regards Rai Bahadur Jogesh Chandra Sen's apprehension, I may tell him that these estates cannot be sold and these charges will be charges on the entire Murshidabad Zemindary Estate which are not liable to be sold by an ordinary sale procedure, and so his apprehension is not justified.

Sir, I am glad to say that Government accepts amendment No. 11 of Dr. Nalinaksha Sanyal with the deletion of the word "Muslim".

Dr. NALINAKSHA SANYAL: I have already agreed to it

The Hon'ble Mr. TARAK NATH MUKERJEA: Thank you, I oppose all other amendments.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg leave of the House to withdraw amendment No. 14, namely, that in clause 3 (*1*), lines 20 to 23, for the words "and all the agricultural lands so mentioned in or added to the said Schedules are hereby charged with the due payment of the said allowances" the words "and some *touzis*, *mouzas* or *mahals* to be fixed by the Provincial Government will be charged for the due payment of the said allowances" be substituted.

The motion was then by leave of the House withdrawn

The Motion of Rai Jogesh Chandra Sen Bahadur that in clause 3(*1*)(*b*), in lines 2 and 3, for the words "one thousand eight hundred rupees" the expression "six hundred rupees for the first 20 years and thereafter at the rate of Rs. 300" be substituted was then put and lost.

The motion of Rai Jogesh Chandra Sen Bahadur that in clause 3(*1*)(*c*), in line 1, for the words and brackets "the sons and daughters (if any)" the words and brackets "the minor sons and unmarried daughters (if any)" be substituted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 3(*1*)(*c*), in line 1, after the brackets and words "(if any)" the words "born of a lawfully married wife" be inserted was then put and agreed to.

The motion of Dr. Nalinaksha Sanyal, that in clause 3(*1*)(*c*), in line 4, for the words "six hundred" the words "one thousand" be substituted was then put and lost.

The motion of Rai Jogesh Chandra Sen Bahadur that in the proviso to clause 3(*1*), lines 2 and 3, for the words "the sum of one lakh of rupees" the words "the sum of sixty thousand rupees" be substituted was then put and lost.

The motion of Rai Jogesh Chandra Sen Bahadur that in clause 3(*2*)(*b*), lines 7 and 8, for the words "until the said son or daughter, as the case may be, of the said younger son dies" the words and brackets "until the minor son (if any) attains majority or unmarried daughter is married" be substituted was then put and lost.

The question that clause 3 as amended stand part of the Bill was then put and agreed to.

Clause 4.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 4(2) be omitted. Clause 4(2) runs thus: "No allowance payable under section 3 shall, whether it has become so payable or not, be liable to attachment under any process of any court".

I cannot understand, Sir, why such special immunity should be given to one class of property holders. After all, we are all subject to certain liabilities of a civil character. Here is a civil class of legislation. While providing certain measures of allowance to younger sons and daughters and sons of such younger sons of the deceased Nawab Bahadur, I see no reason why special protection is to be provided that such allowances should not be liable to attachment under any process of any court of law. This would give an undue privilege against the law of the land which is and must be regarded as against public interests. I shall not, because Sir Nazimuddin would not like me to use words or language which might wound the feeling of somebody——

Mr. SPEAKER: Nobody likes that.

Dr. NALINAKSHA SANYAL: When I am to do some public duty by the country and particularly by the House I cannot help using words and languages which alone can make the House realise the implications of what legislation they are going to pass. In the present family of the Nawab Bahadur we have cases and instances of persons incurring heavy liabilities of a civil character.

The Hon'ble Mr. TARAK NATH MUKERJEA: On a point of order, Sir Is that all relevant?

Mr. SPEAKER: It is relevant to a certain extent.

The Hon'ble Mr. TARAK NATH MUKERJEA: I would appeal to Dr. Sanyal not to bring in family matters.

Dr. NALINAKSHA SANYAL: Don't bring in then this family Bill.

Mr. SPEAKER: Dr. Sanyal, please go on.

Dr. NALINAKSHA SANYAL: I hope my esteemed friend, the Minister in charge of Revenue, will understand because in the course of his present duty as a Revenue Minister he has come across cases in which as a gentleman he should say that such amounts ought not to be permitted to be spent by the Nawab Bahadur or on his account. I will not cite instances but I would say this much that the public of Bengal has great respect for the family and would like the family to be maintained in some dignity, but if the members of that family go out of their way to sell away their dignity none of us can help them. There have been instances in which heavy loans have been taken out of all proportion to the income of the person concerned and ultimately those unwary creditors, who in good faith, have advanced money find to their utter dismay that there is a legal bar. They cannot realise the money. These persons have in the past taken recourse to such mean tactics to keep out their creditors not to pay their dues to such creditors. Apart from the civil liability there may be criminal liabilities under which some amount of fine has to be paid. Here under the proposed law it is going to be that no allowance payable under section 3, shall, whether it has become so payable or not, be liable to attachment under any process of any court, civil or criminal. I cannot understand how a person who has no other means of livelihood or income than the

allowance obtainable from the estate could be compelled to meet the legal liabilities of a fine imposed by a criminal court of law if the person concerned has to be convicted. This will only lead to greater hardship. The Magistrate trying if he finds that a son of the deceased Nawab Bahadur is charged with a very serious crime he will either have to discharge him or have to convict him and send him to jail. There will be no other alternative. Fine as an alternative to jail will not be realisable.

Khan Bahadur MOHAMMED ALI: There is the voluntary payment.

Dr. NALINAKSHA SANYAL: It will be no fine by the court. Voluntary payment cannot be a matter of conviction. The court will have to realise the fine or discharge such a criminal, even if the court finds that there is a crime established. I would therefore most humbly beg of you not to have a sub-clause of this kind giving extraordinary protection for one section. I can understand that the Nawab Bahadur for the time being who is holding the eminent position as one of the scions of the family which once ruled over this province may have himself some immunity but why should we extend that immunity to his sons, grandsons and other members who are by virtue of an Act of this Legislature given protection and allowed a certain amount of money. There can be no earthly reason why we should increase the number of privileged persons who would be immune from the operation of a court of law.

I cannot, Sir, for any reason believe that the Government applied their mind correctly and with a mind to see how an ordinary citizen is placed *vis-a-vis* a deceased Nawab Bahadur's son in a matter like this. Certainly Government never meant or never contemplated that an ordinary citizen will be mulcted out of his property by deceitful members of the Nawab Bahadur's family, if there be any, who will go about merrily defying all laws for realising his dues. How can you correct the extravagance of the Nawab Bahadur's family in future if you provide all the money for his maintenance but no liability? If any member incurs extravagant expenditure, how can that person be kept within reasonable bounds? If you and I live beyond means we have the liability of having our property sold out or our income curtailed, but here you are providing an income but you are not providing any liability. You are taking away whatever the little liability the ordinary law of the land provides. I would most emphatically suggest that such an immunity should never be provided.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I support my friend Dr. Sanyal. This sub-clause is not only inconsistent but it is ridiculous. The Nawab Bahadur himself is not free from this binding but his sons and grandsons are going to escape the civil law of this land. However high position he may hold the Nawab Bahadur's son will lead a Bohemian life and go on merrily with *baijees* and write out hand-notes yet he will not be liable to attachment and proceedings. This is ridiculous and ridiculous to the extreme. It will ridicule the ridiculous

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, it is unfortunate and doubly unfortunate that these personal questions have been dragged in a dignified matter like this. Sir, Dr. Sanyal in his wilful ignorance has taken the thing in a different light. I would rather say that the provision of sub-clause (2) of clause 4 will act as a great check on the creditors. It is not with the intention of cheating the creditors but it is with a much better intention which goes far deep into the matter, to ward off the creditors not to advance any money. The creditors will know it fully well that if they advance money that will not be realised against the allowance. The recipients will be forced to live within their monetary limits and it will be extremely difficult for them to borrow. We are putting in as strong fetters as possible preventing those gentlemen from borrowing. So I hope the House will summarily reject the amendment of Dr. Sanyal.

The motion of Dr. Nalinaksha Sanyal that clause 4(2) be omitted was then put and a division taken with the following result:

AYES—31.

Badruddoja, Mr. Syed.
Banerji, Mr. P.
Barman, Mr. Upendra Nath.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Rai Sahib Monmohan.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Birat Chandra.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Patiram.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen, Jogesh Chandra, Rai Bahadur.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES—86.

Abdul Aziz, Maulana Md.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Jabbar, Maulvi.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Barat Ali, Mr. Md.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Cerstorphine, Mr. E. E.
Das, Rai Sahib Anukul Chandra.
Emdadul Haque, Kazi.
Farhad Raza Chowdhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Ferguson, Mr. F. F. M.
Gladding, Mr. D., C.I.E.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F., O.B.E.
Hodge, Mr. H. Rowan.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Leisk, Mr. John.
Mafizuddin Ahmed, Khan Sahib Maulvi (Tippera).
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Methold, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Mozammel Huq, Maulvi Md.
Muhammad Abdul Halim Molla, Mr.
Muhammad Israil, Maulvi.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R., M.B.E.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Stevenson, Mr. R. A. H.
Tamizuddin Khan, the Hon'ble Mr.
Thorman, Mr. C. M.
Walker, Mr. J. R.
Walker, Mr. W. A. M., C.B.E.
Whitehead, Mr. R. B.
Yusuf Ali Choudhury, Mr.
Zaher Ahmed Choudhury, Maulvi.

The Ayes being 31 and the Noes 86, the motion was lost.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in [illegible] in line 3, for the word "secondly" the word "fourthly" be substituted.

I have got with me the relevant section of Act XXIII of 1933, the Murshidabad Estate Administration Act of 1933. I would invite the attention of members to the relevant section and ask them in all humility to satisfy themselves as to whether it would be possible for them to accept this amendment.

The main clause seeks to place the order of priority in which payments out of the agricultural income of the property of the Nawab Bahadur will have to be made. Section 7 of the Murshidabad Estate Adiminstration Act lays down the priority as follows: From the sums received under sub-clauses (1) and (2) of section 6, that is to say, the rents and other profits earned by the estate, the first charge has been fixed as the Nawab Bahadur's monthly allowance not being in any way less than Rs. 9,583-4 as the Provincial Government may fix in this behalf. So, the first charge of the estate is the monthly allowance of the Nawab Bahadur. The second is Government revenue, cesses, rates and taxes and all duties and liabilities for the time being due to Government or to any local authority. Now, Sir, I would ask the Revenue Minister of Bengal if he would like Government revenue to wait and he would like to pay the sons and grandsons of the Nawab Bahadur from the first charge. I cannot understand how the Revenue Minister of Bengal who has the custody of the revenue of the province would like to be so generous in a particular case, because in all other cases Government revenue stands first and pre-eminent in the matter of charges on any property. The third charge on that earning is in the case of property held by the Nawab Bahadur as tenant—rent and cess due to the superior landlord in respect of the said property. I invite the attention of Rai Bahadur Jogesh Chandra Sen, a representative of the landholders of the province. Under the new enactment proposed, even the legal liability of the estate to pay to the superior landlord the rent due on account of land held by the Nawab Bahadur has been placed in a subordinate position to the allowance to sons and daughters of the deceased Nawab Bahadur.

The 4th liability under the Act is the cost of such repairs and maintenance and improvements of the immovable property of the estate as appear necessary to the Manager and are approved by the Board of Revenue. The maintenance of this property as approved by the Board of Revenue is the 4th charge. Even that is relegated to a subsequent position to the allowance to be paid to the Nawab Bahadur's sons and grandsons. I was wondering if this draft was at all made by anybody who is a servant of the Government of Bengal or who has been bribed or otherwise influenced by the Nawab Bahadur's sons or grandsons I cannot imagine how an astounding proposal of this character could be brought before the Legislature by a responsible Minister of Government, a Minister responsible for the revenue of the State.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, Dr. Sanyal has brought in many things. I would only point out that the Nawab Bahadur of Murshidabad's House stands on a unique footing in Bengal. Its dignity stands supreme. It is not only that the annuity which the Nawab Bahadur gets is free from all attachments but also the agricultural income derived from the Murshidabad Estate is free from all civil attachments. Of course criminal attachments are always there and there are provisions for realising in one form or another any criminal fine.

Dr. NALINAKSHA SANYAL: How? You are taking that away.

The Hon'ble Mr. TARAK NATH MUKERJEA: It may be realised in various ways. I can assure Dr. Sanyal that criminal liabilities are always

realisable. As regards civil liabilities, they are always free from attachments. The income can never be attached and the allowance coming from that estate should be in keeping with the dignity and, in keeping with this established principle, is thus free from all liabilities. Dr. Sanyal has already read out the order of priority observed under the Murshidabad Administration Act of 1891. There the order as he has already mentioned is first the allowance of the Nawab Bahadur. Then comes the rent and other things. Dr. Sanyal proposes to put the annuity which is nothing but a part of the allowance——

Dr. NALINAKSHA SANYAL: Is that a part of the allowance? It is additional amount provided.

The Hon'ble Mr. TARAK NATH MUKERJEA: The total agricultural income goes to the Nawab Bahadur and when the provisions of this Act will come into force——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I know whether I have any remedy if the Hon'ble Minister gives a wrong direction to the House?

Mr. SPEAKER: Order, order Dr. Sanyal, that is not a point of order. Every member of this House has got freedom of speech to an extent that even wilful misrepresentation of facts is not actionable.

Dr. NALINAKSHA SANYAL: But it is challengable within the House.

Mr. SPEAKER: You can challenge any statement made by any member in this House. That is a different thing. That is not a point of order.

The Hon'ble Mr. TARAK NATH MUKERJEA: I am perfectly right. As I have already stated, a sum of one lakh of rupees has been earmarked practically out of the total agricultural income of the estate for payment of this allowance I submit that the allowances which are proposed to be paid will be part of the allowance which is now payable to the Nawab Bahadur.

Dr. NALINAKSHA SANYAL: Perfectly wrong and misleading. You do not know what you are talking.

The Hon'ble Mr. TARAK NATH MUKERJEA: I am perfectly right. This is already a first charge. It is part of the same thing

Dr. NALINAKSHA SANYAL: It is not.

The Hon'ble Mr. TARAK NATH MUKERJEA: It is perfectly in order. Sir, I oppose the amendment.

Dr. NALINAKSHA SANYAL: Sir, this is a consequential amendment to my previous amendment. I beg to move that in clause 5(*b*), in line 1, the words "secondly, thirdly and" and in line 2, the words "thirdly, fourthly and" be omitted. Sir, there will be no necessity for these words if my order, namely, fourthly instead of secondly as proposed in the previous amendment is accepted.

The Hon'ble Mr. TARAK NATH MUKERJEA: I oppose the amendment.

The motion of Dr. Nalinaksha Sanyal that in clause 5(*a*), in line 3, for the word "secondly" the word "fourthly" be substituted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 5(*b*), in line 1, the words "secondly, thirdly and" and in line 2, the words "thirdly, fourthly and" be omitted was then put and lost.

The question that clause 5 stand part of the Bill was then put and agreed to.

New clause 6.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that after clause 5, the following new clause be added, namely:—

"6. Notwithstanding anything contained in section 5 of the Murshidabad Act, 1891 (Act XV of 1891), agricultural land mentioned in the Schedule attached to the indenture referred to in the said Act or in any addition thereto under section 3 of the said Act shall descend and be enjoyed by the Nawab Bahadur of Murshidabad for the time being subject to the charge created under section 3 of this Act and provided that the Nawab Bahadur for the time being, maintains the dignity of the family of the Nawab Bahadur of Murshidabad in his personal conduct and character."

Sir, section 5 of the Murshidabad Act, 1891, lays down that all property, movable and immovable, mentioned in the said indenture or in any of the Schedules thereto or in any addition which under section 3 may from time to time be made to those Schedules or any of them shall descend and subject to the provisions of the said indenture be enjoyed for ever by the Nawab Bahadur of Murshidabad for the time being.

It has been, Sir, our unfortunate experience that unless some kind of restriction is laid on the conduct and personal character of the Nawab Bahadur for the time being the possibility of irresponsible life is encouraged. This is not a case in which a person enjoying property on his own account can spend in any way he likes. The young son of the present Nawab Bahadur, who is a member of this House and a friend of ours, knows to his cost—and we know that if this test was applicable the estate of the present Nawab Bahadur after his demise would come to him and not to his other brothers who unfortunately were born before him. I am trying to see that in their personal conduct these future heirs of the Nawab Bahadur would conduct themselves in such a manner that the dignity of the house could be maintained and the character as everyone of us, you and I, understand it would be unblemished. Unfortunately, we have very bitter experience in this regard and if my present wording is not very happy, if there is any lacuna in my present drafting, I would respectfully request the Hon'ble Minister in charge or even the Chief Minister who seems to take so active interest in this legislation to help me and to devise some method by which profligacy can be kept in check and by which we do not put a premium on recklessness in personal character. Particularly this has been called for when I am asked to legislate and to provide certain privileges for that house. I would not care to tread on such grounds if nobody would come to my jurisdiction and would not like to have special privilege and protection from this House. If there is no special provision required I would not surely request the House to pass any legislation of this character, but here we are providing certain privileges. These and similar privileges have also been provided in previous legislation as the Hon'ble Revenue Minister has just now explained. At the present moment the personal allowance of the Nawab Bahadur is free from liability to attachment; at the present moment certain other privileges also go with the family, and we have seen how abuse has taken place. Sir, not only abuse has taken place in the matter of defrauding creditors but I am ashamed to say being a person coming from Murshidabad that even the furniture and stone slabs of the Nawab Bahadur's house go to the market through some of their sons for sale because they cannot get money otherwise for their profligate character. I would like to stop all this kind of irresponsible conduct. Even today, Sir, you can get valuable jewellery worth thousands of rupees in Azimganj and Jiaganj coming out of the family of the Nawab Bahadur being sold for Rs. 200 or Rs. 300. A friend of mine has purchased one such diamond ring about a fortnight ago, and this has come through a woman of the town. This kind of thing must be stopped. I would like, Sir, to see, where my protection is called for, that the protection must go to deserving persons.

Sir, I plead, I claim that the Nawab Bahadur's dignity should be maintained. Once more I appeal that in the interest of that dignity such protection should be devised that the man who holds that office should also know how to maintain that dignity. If he does not, there must be some machinery, there must be some process which would enable public opinion to assert itself. I am leaving everything to the court, to the Government. My submission here is that he must maintain the dignity of the family in his personal conduct and character. If anybody wants to impugn that he has got to go to the court because there is legislative provision and it is the judiciary that is to decide and pronounce the judgment and if the judiciary after making enquiry satisfies itself that the Nawab Bahadur for the time being is not maintaining the dignity, surely the judiciary could be given that authority and power to declare that he is unfit to hold that office. I am not putting it in the hands of the executive either and I am placing this suggestion with all humility and I believe and trust that this would be in the best interest of that member out of respect to whose sentiments many friends here may be thinking that this Bill should be passed into law without delay.

Previous to this, Sir, the Hon'ble Minister in charge quoted that this new allowance is coming out of the allowance provided for under section 7 of the Murshidabad Estate Administration. There could be no greater travesty of fact than what the Hon'ble Minister in charge has stated. I will read out to you the section. The Act cannot be changed overnight on the floor of the House by a statement made by the Minister. The Act provides the following sums under sections 1 and 2. These sums are rents, profits from immovable property and assets and also a monthly sum of Rs. 19,166-10-8 payable from the Government Treasury to the Manager of the Estate. This sum is a specified amount provided under the Act. It does not preclude the Nawab Bahadur from enjoying further amounts of earnings from agricultural property outside this specified amount or from any other business or any other profit-earning occupation that he may indulge in There is a fixed allowance under the Act. This new Act is only adding to that amount, not taking anything out of that amount. It is not an enactment which reduces the earnings or allowances of the Nawab Bahadur for the time being and divides it up between other sharers—younger sons or sons' sons and daughters. It creates an additional charge on the revenue of the estate and an additional charge of Rs. 1,800 a month for the sons and Rs. 600 a month for the daughters and sons' sons and so on, which is an undefined amount which may, if a Nawab Bahadur has got 18 or 20 children, may amount to three or four lakhs (The Hon'ble Mr. TARAK NATH MUKERJEA: That is the total amount.) I stand corrected. The total amount that would be a charge on the estate would be one lakh. So far as the agricultural income of that estate is concerned the present income is a little higher. The net income will be about a lakh and a half,—it is not a very big estate—apart from Nawab Bahadur's allowance But there would be some other income which of course I am taking as the net income of that estate which is charged There may be occasions when after paying Government revenue and maintenance costs of the estates, not a very large sum over Rs. 1 lakh will be left We must pay the Nawab Bahadur's personal allowance as already provided for under the Act. So I would expect that there must be some kind of restriction, some healthy check on extravagance, and if my previous amendment regarding check by deleting sub-clause (2) of clause 4 has not been acceptable to the House, I would at least hope that the present amendment would be acceptable.

* * *

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I am again sorry that Dr. Sanyal is trying to mislead the House from start to finish. He has said that the income of the estate is only Rs. 1 lakh and a half. For his information I may tell him that it is a little over Rs. 3½ lakhs. Out of the amount which now entirely goes to the Nawab Bahadur we propose

to earmark Rs. 1 lakh for this purpose. I again repeat that this is only a part of the total allowances now payable to the Nawab Bahadur out of the agricultural income.

Sir, lastly, I would only point out that this provision is absolutely unnecessary, because it has been provided in a more dignified way in clause 3.

I oppose the amendment.

The motion of Dr. Nalinaksha Sanyal that after clause 5, the following new clause be added, namely:—

"6. Notwithstanding anything contained in section 5 of the Murshidabad Act, 1891 (Act XV of 1891), agricultural land mentioned in the Schedule attached to the indenture referred to in the said Act or in any addition thereto under section 3 of the said Act shall descend and be enjoyed by the Nawab Bahadur of Murshidabad for the time being subject to the charge created under section 3 of this Act and provided that the Nawab Bahadur for the time being, maintains the dignity of the family of the Nawab Bahadur of Murshidabad in his personal conduct and character.",

was then put and lost.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Murshidabad Bill, 1944, as settled in the Assembly, be passed.

The motion was then put and agreed to

Adjournment.

The House was then adjourned at 7-25 p.m. till 4 p.m. on Wednesday, the 22nd November, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 22nd November, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 10 Hon'ble Ministers and 187 members.

Collision of Cars near the Northern Gate of Assembly Buildings.

Mr. SASANKA SEKHAR SANYAL: Before we proceed with today's business may I draw your attention to one thing. Although the matter related to the Deputy Speaker it might occur to anybody. Just as he was entering the compound of the Assembly by the northern gate his car was knocked out by a military car and although he has survived today still his car has gone out of order. It is only a case of providential escape for him. If you could not guarantee protection to us even inside the Assembly compound we do not know what would happen to members outside

Khan Bahadur MOHAMMED ALI: Was the car of the Deputy Speaker inside or outside the compound?

Mr. SASANKA SEKHAR SANYAL: The Minister's car was entering. The Deputy Speaker's car was standing just by the side. He was giving way to the Minister's car but the military car which was no respecter of either the Minister or the Deputy Speaker dashed against the Deputy Speaker's car

Mr. SPEAKER: I will look into the matter.

STARRED QUESTIONS

(to which oral answers were given)

Further Supplementaries on starred question No. 17.

Mr. NISHITHA NATH KUNDU: In view of the rise in prices of equipment for games, will the Hon'ble Minister be pleased to consider the desirability of having the scale of grant enhanced for games which is only 4 annas per head per month at present?

Khan Bahadur MOHAMMED ALI: I am not sure of the amount but I know that the matter for the enhancement of the grant is under the consideration of Government

Mr. ATUL CHANDRA SEN: With reference to answer (a)(3), will the Hon'ble Minister be pleased to state whether the Government tried to ascertain the quantity of water available per head?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: Was any complaint received about the insufficiency of water supply?

Khan Bahadur MOHAMMED ALI: Yes, Sir On some occasions the engine supplying water broke down and therefore water had to be supplied by coolies.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state on how many occasions the engine broke down?

Khan Bahadur MOHAMMED ALI: I cannot state the exact number. I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*4*), will the Hon'ble Minister be pleased to state whether the water was ever analysed and examined?

Khan Bahadur MOHAMMED ALI: It was analysed and the water was found suitable for drinking purposes.

Sj. NARENDRA NATH DAS GUPTA: With reference to (*a*)(*14*), will the Hon'ble Minister be pleased to state in view of the admission that there was an epidemic of diarrhoea and influenza during the rains as is common in every hill station whether the Government would think it desirable to remove the prisoners from Buxa jail to more sanitary places?

Khan Bahadur MOHAMMED ALI: No, Sir. It has been stated that diarrhoea and influenza are common in all hill stations even in places where the climate is very good.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*5*), will the Hon'ble Minister be pleased to state whether attempts are usually made to procure fruits and other articles from the nearest station where they are available?

Khan Bahadur MOHAMMED ALI: Yes, Sir. Sometimes fruits are not available in the local market but attempts are made to procure them as far as possible.

Mr. NISHITHA NATH KUNDU: In view of the information that I furnished yesterday that in issuing new cloths old cloths are ordered to be returned by the Superintendent of the Jail in Buxa, does the Hon'ble Minister think it desirable that an immediate enquiry should be made as to whether the direction that was issued by the Hon'ble Chief Minister in that respect is at all respected by the different jail authorities in Bengal and specially in Buxa?

Khan Bahadur MOHAMMED ALI: Government were not aware that there was any such grievance, but if the honourable member has some grievance in this respect and if he writes to Government the matter will be looked into.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*7*), will the Hon'ble Minister be pleased to state whether there is necessary up-to-date equipment for examination of the eye?

Khan Bahadur MOHAMMED ALI: There is arrangement. It may not be an up-to-date equipment but if up-to-date equipments are necessary prisoners are transferred to Jalpaiguri.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what is the qualification of the doctor who examines the eyes?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: In view of the reply that diarrhoea and influenza are common at every hill station, do the Government think it desirable that no political prisoner should be lodged in any hill station?

Khan Bahadur MOHAMMED ALI: How does that question arise?

Sj. NARENDRA NATH DAS GUPTA: It arises out of the answer (*a*)(*14*).

Khan Bahadur MOHAMMED ALI: It is only stated that diarrhoea and influenza are common in all hill stations even where the climate is supposed to be very good as in places like Darjeeling and Kurseong.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*13*), will the Hon'ble Minister be pleased to state where those libraries from which books are supplied are situated?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*13*), will the Hon'ble Minister be pleased to state whether the prisoners are supplied with catalogues of books available in those libraries?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: With reference to answer (*a*)(*4*), will the Hon'ble Minister be pleased to tell the House whether the drinking water was analysed and examined chemically?

Khan Bahadur MOHAMMED ALI: Yes, Sir. It was examined in the Bengal Public Health laboratory.

Mr. CHARU CHANDRA ROY: With reference to answer (*9*), do the Government think that 48 umbrellas among 145 persons are sufficient in that locality during rainy season?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Grievances of political prisoners detained in Mymensingh Jail.

*18. **Rai Sahib MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that family allowances which were used to be given to political prisoners of Mymensingh Jail in normal times have in some cases either been stopped or curtailed;

(*ii*) that the prison gate now closes at 8 p.m. instead of at 9 which was used to be done formerly;

(*iii*) that there is no arrangement of game for the prisoners there; and

(*iv*) that released prisoners are not allowed to take any dress with them save and except a *dhoti*?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government are proposing to take in the matter?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*iii*) No.

(*ii*) Security prisoners are locked up in accordance with rule 49 of the Bengal Security Prisoners Rules, a copy of which is placed in the Library.

(*iv*) Released prisoners are now allowed to take with them at the time of their release all articles of clothings supplied to them or purchased for them either partly or wholly with their money during the period of their detention.

(*b*) Does not arise.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*iii*), will the Hon'ble Minister please state what are the games allowed?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether there is playground within the Jail compound?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether he himself saw the playgrounds?

Khan Bahadur MOHAMMED ALI: I have not seen them personally. I know there are playgrounds.

Mr. CHARU CHANDRA ROY: If any person having personal experience says that there is no playground——

Mr. SPEAKER: I cannot allow that hypothetical question.

Mr. CHARU CHANDRA ROY: It is a falsehood. I was there for 4 years——

Mr. SPEAKER: You cannot bring in a hypothetical question.

Mr. CHARU CHANDRA ROY: In view of the answer just now given that he cannot give the classes of games, are we to assume that only indoor games are allowed and not outdoor games?

Khan Bahadur MOHAMMED ALI: Outdoor games are also there. I may state here that if the honourable member means football field or hockey field, then he is correct, but there is playground.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state how many playgrounds for tennis and badminton are there?

Khan Bahadur MOHAMMED ALI: There is no tennis court there.

Mr. CHARU CHANDRA ROY: What sort of outdoor games are allowed?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Release of political prisoners.

*19. **Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) the measures that have so far been taken to release political prisoners after formation of the present Ministry;

(b) the total number of such prisoners in the Province when the present Ministry was formed; and

(c) the total number released up to date?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) When on the formation of the present Ministry the Hon'ble Chief Minister resumed charge of his office as Minister in charge of the Home Department, the validity of some of the orders of detention under rule 26 of the Defence of India Rules made during the regime of his honourable predecessor-in-office was under examination in judicial proceedings before the Hon'ble High Court. The final judgment in the matter was pronounced by the Federal Court who held that no order of detention under rule 26 of the Defence of India Rules could validly be made, except after the Governor had personally applied his mind to the case and been satisfied that the making of such an order was necessary. Although an appeal against this decision has already been filed before the Privy Council, immediate steps were also taken to institute a review of the case of all the security prisoners, then under detention, in the light of the law as laid down by the Federal Court with a view to issue fresh orders in the cases in which continued detention was considered necessary. Upwards of 1,200 cases have already been reviewed and the remainder will be disposed of with the utmost expedition. The materials in each case under review are examined by the department and by the Home Minister and the case is submitted to His Excellency the Governor for his consideration and orders. The same procedure has also been followed in the cases of all prisoners arrested and detained since the pronouncement of the Federal Court decision referred to above.

In addition to detailed review of the individual cases referred to above, a general review of all cases is constantly being made, in consultation with the Government's security advisers and persons whose continued detention is no longer considered necessary are being released.

(*b*) 1,593.

(*c*) 534.

I may add that this question was answered some time in June or July and it applied to that time. Now the case is different. The review of all the security prisoners has been finished by July, 1944.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please state who are those Government's security advisers?

Khan Bahadur MOHMMED ALI: It is not in the interest of public safety to disclose the names.

Mr. ATUL CHANDRA SEN: With reference to answer (c) will the Hon'ble Minister be pleased to state when the Government have more than once proclaimed to the world that they were releasing security prisoners in large numbers had they this 534 out of 1,593 in mind?

Khan Bahadur MOHAMMED ALI: It will appear that a very large number of them have been released. As a matter of fact the number released now stands at 552 and this figure 534 applied to the time when the answer was sent to the Assembly a few month's back.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what independent and untainted source of evidence is placed before the Committee of Review besides the evidence that is put forward by the Intelligence Branch for consideration of the individual or general cases.

Khan Bahadur MOHAMMED ALI: All matters are taken into consideration

Mr. NISHITHA NATH KUNDU: Sir, I wanted to know what are the independent and untained sources other than the sources from the Intelligence Branch that are put before the Review Committee for consideration of the individual and general cases.

Khan Bahadur MOHAMMED ALI: Sir, for security reasons that cannot be disclosed.

Sj. SURENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the security prisoners are allowed any facility to place their cases before His Excellency the Governor?

Khan Bahadur MOHAMMED ALI: That question has been explained several times that when the detention is under the Regulation III or the Ordinance, they are allowed such facilities.

Sj. NARENDRA NATH DAS GUPTA: Not before His Excellency the Governor. That question did never appear.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister positive that charges that are forwarded to the individual security prisoners are definite for the purpose of substantiating any statement of defence by the individual security prisoners?

Khan Bahadur MOHAMMED ALI: Security prisoners can, whenever they like, give explanation or submit their point of view.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how can they put forward their defence unless they are informed of the specific charges for which they are detained?

Mr. SPEAKER: That is not a question, strictly speaking. It is disallowed.

Mr. NISHITHA NATH KUNDU: With reference to answer (*c*) whether the figure for release, namely 534 or for the matter of that 552 is a figure of release during the incumbency of the present Ministry?

Khan Bahadur MOHAMMED ALI: Yes.

(When starred question No. 20 was called.)

Mr. ATUL CHANDRA SEN: Sir, I rise on a point of privilege. In connection with answer 20 and two more answers that follow, permit me to ask a question of privilege. The right to ask questions and the right to receive proper replies are very valuable rights given to this House under the Constitution. One may presume that these rights are intended to be respected, but look here, Sir, how these rights are respected by this Government. Here is a question about 22 security prisoners who have been kept in detention under Government order and, I am sure, all the information asked about them is available in the Secretariat. It should not require more than an hour and a piece of paper to make this information available to the House. Yet the answer given is this that "the information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time". Sir, it is a travesty of the rights of the House and I will appeal to you to enforce these rights in the House.

Khan Bahadur MOHAMMED ALI: I already pointed out to you yesterday that this is a question which does not only deal with security prisoners, but also information is asked for regarding the number of persons released, family allowance, and how much has been granted, and that is why it is difficult to collect all this information. Here also the information supplied is not correct, because place of detention has been incorrectly given.

Mr. SPEAKER: I have understood the point.

(Dr. Nalisaksha Sanyal, rose to speak.)

Order, order. I cannot allow any discussion on a question and its answer. A question of privilege has been raised, namely, that this answer shows an infringement of the privileges of the members of the House. Well, I can only say that certainly it is the right of every member to ask a question and also to expect an answer, but as to how this is to be answered is entirely for the Government and for the House to decide and not for the Speaker.

Dr. NALINAKSHA SANYAL: No, Sir. It is also for the Speaker. I am giving you precedent to show that ---

Mr. SPEAKER: Order, order. I will take your advice if you kindly see me in my chamber and I will look into the matter very carefully. I can assure the House that if I have got any power in this matter, I will see that it is exercised thoroughly and fully in the interests of the members of the House.

Dr. NALINAKSHA SANYAL: Thank you very much, Sir. I also submit that you can send back those questions again with the request that proper answers may be given.

Mr. SPEAKER: That will arise after I have given my decision.

Persons detained in jails without trial.

*20. **Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the provisions of law or ordinance under which the persons named below have been kept in detention in different jails without any trial:—

(1) Haran Chandra Ghose Chowdhury, B.A., of Dattapara, police-station Lakshmipur, district Noakhali.—Now in Maijdee Jail.

(2) Jagadish Chandra Banerjee of Noakhali town, an employee of the Nath Bank, Limited.—In Comilla Jail.
(3) Rajendra Kumar Roy of Durgapur, police-station Begumganja, district Noakhali, employee of A.I.S. 4.—In Comilla Jail.
(4) Santimoy Dutt, B.L., Pleader, Feni.—In Comilla Jail.
(5) Makhan Lal Pal, M.A., of Noakhali district.—In Comilla Jail.
(6) Pratul Chowdhury, B.SC., resident of Feni town at the time of arrest.—In Midnapore Jail.
(7) Dhirendra Majumdar of Sahadevpur, Feni town.
(8) Sourindra Kishore Dutta Chowdhury of Feni town.
(9) Benoy Lal Ghose of Nateshwar, police-station Begumganja, district Noakhali.—In Buxa Special Jail.
(10) Birendra Nath Guha Roy of Dattapara, police-station Lakshmipur, district Noakhali.—In Comilla Jail.
(11) Jajneswar Chakraborty of Ghasikamta, police-station Begumganja, employee of Bengal Telephone Company.—Presidency Jail.
(12) Nani Lal Chakraborty, B.A., employee of Bengal Immunity Limited. —Presidency Jail.
(13) Jagadish Chandra Sur, an employee of Khadi Pratishthan.—Bogra Jail.
(14) Bibhuti Bhusan Majumdar of Audharmanik, police-station Chaagalnaiya, district Noakhali.—Dacca Central Jail.
(15) Kali Keshab Ghose (Kaviraj), Katgarh, Sandwip, district Noakhali. —Comilla Jail.
(16) Rasamoya Mitra of Rafiquepur, police-station Senbag, district Noakhali.
(17) Chittaranjan Naravan Choudhury of Khilpara, police-station Ramgunja, district Noakhali.
(18) Khitish Chandra Pal of Khilpara, police-station Ramgunja, district Noakhali.—Dacca Central Jail.
(19) Barada Prosad Nandy of Dhoom, police-station Muir Sarai, district Chittagong —Dacca Central Jail.
(20) Annada Prosad De of Jagarnagar, police-station Sitakundu, district Chittagong —Dacca Central Jail.
(21) Srishchandra Majumdar, an employee of the A.I.S.4.—Dacca Central Jail now removed to Mitford Hospital.
(22) Rajjyeshwar Banik of Fulgazi, police-station Parsharam.

(*b*) Is the Hon'ble Minister considering the desirability of releasing the abovenamed prisoners?

(*c*) Will the Hon'ble Minister be pleased to state whether any family allowance has been granted to these prisoners?

(*d*) If so, what is the amount of such allowance in each case?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state whether any attempt was made to collect the information asked for?

Khan Bahadur MOHAMMED ALI: At the very first examination it was found that it would take a lot of time, because it was found that the places of detention mentioned against the prisoners were not correct.

Mr. HARENDRA KUMAR SUR: Why is it then that Government waited as long as about 18 months in communicating, when they were not prepared, to undertake the trouble?

Khan Bahadur MOHAMMED ALI: This answer was prepared during the last session and it was felt that members were demanding an immediate

reply to the question, and it was found that if this question had to be replie properly, it would take another year. That is why this answer was sub mitted just after the last session.

Mr. SASANKA SEKHAR SANYAL: On a point of privilege, Sir——

Mr. SPEAKER: Mr. Sanyal, it is question hour and you are taking away question time. You can raise your question of privilege at some other time.

Mr. SASANKA SEKHAR SANYAL: Sir, you said that the question of privilege will be considered and discussed and decided. One thing that I would like to draw your attention to is that I believe that it is in your power to disallow any reply which amounts to saying that the Minister refuses to answer the question. Sir, the language may be different, but the Minister practically says that he refuses to answer. You will have to consider whether the Minister is within his right to say so, or whether you have got the power to enforce the Minister to send replies.

Mr. SPEAKER: I will discuss the matter with all the leaders of different parties.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state what is the nature of labour required for collecting the information?

Khan Bahadur MOHAMMED ALI: I cannot understand what is meant by "nature of labour required".

Mr. NISHITHA NATH KUNDU: On examining these questions and answers we find that the answer has been given in cases where information of the same kind and nature has been asked for in individual cases. Will the Hon'ble Minister be pleased to tell us why when the department can give answers to questions regarding individual cases in respect of information of a similar nature as in this question, the Government cannot reply when the number concerned is larger?

Mr. SPEAKER: Mr. Kundu, this is a too long and argumentative question. I will allow this question this time, but in future you should frame your questions in a different way.

Khan Bahadur MOHAMMED ALI: Questions in individual cases dealing with release or family allowance can be easily answered, because that means reference to one file only. In the case of 22 persons also if the question deals with one subject as, for instance, in (*a*), it can be answered. But here in the case of 22 persons the question deals not only with detention and release but also with family allowance. This is an omnibus question and it will necessarily take a good deal of time to compile a statement or to prepare the replies.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the reply that has been given on the floor of the House was a reply obtained from the department, or whether the reply was given by the Minister without referring the matter to the department?

Khan Bahadur MOHAMMED ALI: That is a matter of internal administration of Government.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Hon'ble Minister considers the department to be ill-equipped?

Khan Bahadur MOHAMMED ALI: No, Sir: but working under high pressure.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state where Babu Haran Chandra Ghose Chowdhury, No. 1 in the list, is now detained, and what family allowance, if any, has been granted to him?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Jagadish Chandra Banerjee of Noakhali town has been granted any family allowance? If so, how much?

Khan Bahadur MOHMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Rajendra Kumar Roy of Durgapur, has been detained under the Defence of India Rules or under subsequent amended rules or under Regulation III of 1818?

Mr. SPEAKER: Dr. Sanyal, you understand very well that this will be a sheer waste of your valuable time.

Dr. NALINAKSHA SANYAL: No, no. I am seeking for information in the matter.

Mr. SPEAKER: I can quite understand your point.

Dr. NALINAKSHA SANYAL: That will expose the hollowness of the claim.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is the case of Government that they would have answered these questions had these questions been put one by one in each individual case?

Khan Bahadur MOHAMMED ALI: Yes.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us if any separate record is maintained in respect of the prisoners who are detained without trial?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the Government of Bengal maintain any comprehensive register or file available readily in Calcutta either at the Home Department of the Government or with the Police showing the particulars of the security prisoners detained and the places where they are kept in detention and if any family allowance is given or not?

Khan Bahadur MOHAMMED ALI: Yes, Sir, but not in one register.

Mr. DHIRENDRA NATH DATTA: In view of the answer that a separate record is maintained in respect of persons detained without trial, will the Hon'ble Minister be pleased to state what is the difficulty in giving the information asked for?

Khan Bahadur MOHAMMED ALI: The information is to be collected and collated.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the Minister is ready to give us one single information regarding one of the 22 prisoners mentioned here?

Khan Bahadur MOHAMMED ALI: Not just now. The Government is prepared to answer questions of all the 22 prisoners if sufficient time is given.

(The House was then adjourned for 15 minutes for prayer.)

After adjournment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it would be possible for the Government to collect the information sought for regarding 22 security prisoners in case the question is sent in the name of 22 members instead of one?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Government be pleased to state what is the present location of the security prisoner, Makhan Lal Pal and what is the family allowance given to him?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to consider the desirability——

Mr. SPEAKER: You are not getting any benefit out of it.

Dr. NALINAKSHA SANYAL: I am exposing the hollowness of the Government reply. We are also not getting any protection from the Speaker.

Mr. SPEAKER: What can I do?

Dr. NALINAKSHA SANYAL: You can do much.

Khan Bahadur MOHAMMED ALI: It is not possible to give information regarding 22 security prisoners in one question.

Mr. SPEAKER: It appears that the Government have not got the necessary information. That they have stated.

Dr. NALINAKSHA SANYAL: That they have not stated. They do not want to say that.

Mr. SPEAKER: The information asked for is not readily available and its collection will involve time and labour that is not justifiable in war time. That is their opinion, and that is what they have stated. If you are dissatisfied with that answer you can take any steps you like.

Mr. SASANKA SEKHAR SANYAL: What step?

Dr. NALINAKSHA SANYAL: We know it. We want the Speaker to assert his right and ask them not to send such unsatisfactory replies.

Mr. SPEAKER: That is a question which I will discuss with the leaders of parties.

Dr. NALINAKSHA SANYAL: In that case this question may be held over. It has been there for a pretty long time.

Mr. SPEAKER: I do not think the question can be held over any longer. It will serve no useful purpose.

Dr. NALINAKSHA SANYAL: You are not going to give any protection to us.

Mr. SPEAKER: That is not the way of putting it. How does the question of protection arise? I have already told you that I have great doubts if I have got any powers in this respect. As I have said before, I shall consult party leaders and come to a decision in the matter, and if I find that I have any power I shall certainly exercise it in the interest of the members of the House. That part of the question is finished. As regards the other thing it is quite clear that you are not satisfied with the answer given.

Dr. NALINAKSHA SANYAL: So it may be held over.

Mr. SPEAKER: No, it is not necessary that every question should be held over simply because you are not satisfied with the answer. They have stated that they have given a certain reply and that they are not going to give any other reply. If I have got any power to compel Government to give a particular answer I will do it, as I have already said, in the interest of the members, but if I have no power you may decide your own course. The remedy lies in the hands of the members of the House. The question, however, need not be held over.

Mr. SASANKA SEKHAR SANYAL: There is one other thing, Sir. The prisoners are certainly in the custody of Government and information regarding them is our primary concern. If the Government refuses to give the answer, the first thing we should do is to seek the protection of the Speaker, but if the Speaker declares that he is unable to give it, the only course left open to us is to adopt unpleasant tactics.

Mr. SPEAKER: That is another matter.

Dr. NALINAKSHA SANYAL: We are trying to get redress from the Speaker, but if he has any doubt about his own ability or power he may refer the matter to the Privilege Committee, otherwise this question may be held over.

Mr. SPEAKER: It is not a question of holding over the question. You may put a question at any time you like.

Dr. NALINAKSHA SANYAL: Mr. Sur has already reached the quota of 12 questions.

Mr. SPEAKER: You are not in the least affected.

Dr. NALINAKSHA SANYAL: Mr. Sur cannot give notice of more than 12 questions.

Mr. SPEAKER: I know he cannot, but there are so many other members in the Opposition who can. If they like they can put questions In any case, you are not affected.

Dr. NALINAKSHA SANYAL: Please have the matter referred to the Privilege Committee.

Mr. SPEAKER: I have already told you that I will consult the leaders of parties in the matter, but if you think that this is a question of privilege and it should be referred to the Privilege Committee I will certainly give my best consideration to this matter.

Dr. NALINAKSHA SANYAL: Some question was raised by Mr. Charu Chandra Roy during the previous session and on that occasion you gave a similar assurance but 4 months have passed thereafter and nothing has been done.

Mr. SPEAKER: I may tell you that I have not wasted a single moment of my time. I have been working from 10-30 a.m. to 9 p.m. in this House as the Speaker (Dr. NALINAKSHA SANYAL: We appreciate that) and I have been collecting materials and looking into these things. Take it from me I am trying to come to a definite conclusion on this point with the assistance of all concerned in this respect. I quite appreciate your anxiety and I am also equally anxious with you but the real point at this moment is whether this question should be held over (Dr. NALINAKSHA SANYAL: And referred to the Privilege Committee) I have already stated that I shall look into the matter carefully and if necessary I will refer it to that Committee.

Dr. NALINAKSHA SANYAL: When can we get a definite reply from you regarding action taken?

Mr. SPEAKER: *Dr. Sanyal, I cannot give you any definite time limit.*

Dr. NALINAKSHA SANYAL: In the past we have been given such assurances, but to no effect.

Mr. SPEAKER: If you do not feel satisfied, you can bring in a No-confidence motion against me.

Dr. NALINAKSHA SANYAL: No, Sir. We will not do that. Our point is that we have every sympathy with you.

Mr. SPEAKER: That is the thing, as I said before, I am trying to do. I again assure you in a stronger language. I have already told you that as regards questions there are various complicated matters. I have got some idea. I have not yet got fuller idea, but if you think that this very question should be referred to the Privilege Committee this very day I have not the slightest objection. The Privilege Committee will be shortly reconstituted and it may be referred to it. There is no doubt about that. I am myself considering this question because I have seen questions not answered for months and even years and it is desirable in the interest of all concerned that questions should be more promptly answered. It is not a question of this particular Government or that. It is a question of the constitutional rights and privileges of the members of this House and therefore it requires very serious consideration and it will have all the serious consideration that I can give to it. That is all I can say for the present.

Certain privileges of State and security prisoners.

***21. Mr. KIRAN SANKAR ROY:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that political security prisoners and prisoners detained under Regulation III of 1818 are not allowed to have cooked food, sweets and fruits sent to them by their families and relatives and friends; and

(*ii*) that the above privilege is not allowed even when the relatives and members of the family interview the prisoners?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Fruits, sweets, etc., are allowed subject to the provisions of rules 14(*6*) and 64 of the Bengal Security Prisoners Rules, 1940, and Bengal State Prisoners Rules, 1942, and rule 690 of the Bengal Jail Code, Vol. I, 7th Edn., copies of which are in the Library.

(*b*) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Government be pleased to state when this question was received by the Department and when the answer was prepared?

Mr. SPEAKER: I may tell you, Dr. Sanyal, that henceforth I will have the dates printed in these cases. So it is no use taking the time of the House. I am giving you the information because I have got it here. This question was sent in on the 4th September, 1943; it was sent to the Department on the 11th September, 1943; and the answer was received on the 7th October, 1944. (Cries of "Hear, hear" from the Opposition Benches.)

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why the Government took more than one year to prepare the answer?

Mr. SPEAKER: That question does not arise as a supplementary question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the Barisal Jail all fruits given to security prisoners were subjected to scrutiny by the jail officers to the extent of being cut open and a portion thereof taken away by them?

Khan Bahadur MOHAMMED ALI: Government is not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the different jails in Bengal follow different practices in regard to the supply of fruits and sweets to security prisoners?

Khan Bahadur MOHAMMED ALI: Some discretion is allowed to individual Superintendents of Jails.

Mr. NISHITHA NATH KUNDU: In view of the answer (*a*), namely, that fruits, sweets, etc., are allowed subject to the provisions of rules 14 (*6*) and 64 of the Bengal Security Prisoners Rules, 1940, and Bengal State Prisoners Rules, 1942, and rule 690 of the Bengal Jail Code, will the Hon'ble Minister be pleased to state why sweets offered by the friends during the last Durga Puja to the political prisoners and other prisoners at the Dinajpur Jail were refused by Government?

Khan Bahadur MOHAMMED ALI: Government is not aware of that.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he is aware that Mr. Nishitha Nath Kundu, M.L.A., sent a wire to the Hon'ble Chief Minister to this effect?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether it is a fact that 2½ maunds of meat were allowed to be given to the ordinary prisoners—Hindus and Muslims—during the Id time at the Dinajpur Jail?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Starred Question No. 22.

(As soon as Starred Question No. 22 was called.)

Dr. NALINAKSHA SANYAL: May I here also submit, Sir, that this question be held over and be referred to the Privilege Committee.

Mr. SPEAKER: I have already said that all these things will be forwarded.

Dr. NALINAKSHA SANYAL: When will it go, Sir? My leader put this question a year and a half ago relating to some prisoners who were supposed to be seriously ill at that time. The nature of the illness is mentioned, and this is headed by Sj. Surendra Mohan Ghosh who and, I suppose, some of the other prisoners, Nos. 4, 6 and 7, are now released.

Mr. SPEAKER: That is a different matter altogether. Let us dispose of this.

Dr. NALINAKSHA SANYAL: How can you dispose of this, Sir, when prisoners were suffering from diseases at a particular moment?

Mr. SPEAKER: You see, the answer as given. He has got the right to give the answer according to rule.

Dr. NALINAKSHA SANYAL: But that is no answer, Sir.

Khan Bahadur MOHAMMED ALI: Sir, a similar question regarding illness of security prisoners is still pending. There was a proposal to give the reply—"The information is not readily available", but the Hon'ble

Chief Minister gave specific instruction that as the matter deals with illness of security prisoners the information asked for must be collected at once. So, when a similar question is being examined, there is no objection if this question is held over.

Mr. SPEAKER: This question is held over.

(Question No. *22 was accordingly held over.)

Transfer of certain class of prisoners outside Bengal.

***23. Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any person belonging to Bengal arrested under the Ordinances or Regulation III for alleged activities in Bengal have been transferred to jails outside Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons thereof; and

(*ii*) the authority under whose orders these transfers have been made?

(*c*) Is the Hon'ble Minister considering the desirability of detaining political prisoners in their home districts?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) No Regulation III prisoner has been transferred outside Bengal. As it is not clear what category of prisoners is referred to by "Ordinances" I am not in a position to give any answer to the other part of the question.

(*c*) and (*d*) Do not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many Ordinances are there enabling the Government to detain persons without trial and for any length of time?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there is only one Ordinance and one only which has replaced all other similar previous orders, which gives authority to the Provincial Government to detain persons as security prisoners?

Mr. SPEAKER: Khan Bahadur, you need not rise. This is a question about knowledge of law. I do not think that is allowable.

Dr. NALINAKSHA SANYAL: Sir, he says, "As it is not clear what category of prisoners is referred to by 'Ordinances' ", my question first has been whether there are more than one Ordinance or Ordinances enabling the Government to detain persons without trial?

Khan Bahadur MOHAMMED ALI: In the question it was put in the plural; so it was not clear which Ordinances, were meant.

Dr. NALINAKSHA SANYAL: Is the Government aware that there were from time to time various orders issued under the Defence of India Rules which were consolidated into one Ordinance after the judgment of the Federal Court was received in connection with certain appeals made by the Government of Bengal?

Khan Bahadur MOHAMMED ALI: Yes, Sir, there was one Ordinance about detention of security prisoners.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there are any persons belonging to Bengal arrested under that Ordinance and kept outside the province?

Khan Bahadur MOHAMMED ALI: At present there is no prisoner outside Bengal, detained by this Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there are any persons detained outside the province who are residents of this province, and if so, under what authority they have been detained and kept out?

Khan Bahadur MOHAMMED ALI: Yes, Sir, there are outside the province of Bengal persons belonging to Bengal, who are detained by the Government of India.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that Mr. Sarat Chandra Bose, an Ordinance prisoner, is detained outside Bengal?

Khan Bahadur MOHAMMED ALI: Not detained by this Government.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that Mr. Abani Chakravarty is detained in Lucknow Jail under this Ordinance?

Khan Bahadur MOHAMMED ALI: I say there is no person outside Bengal detained by the orders of the Government of Bengal.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if Maulana Islamabadi has been sent outside Bengal?

Khan Bahadur MOHAMMED ALI: I have made it clear that no person detained by the Government of Bengal has been sent outside.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if Maulana Islamabadi has been arrested by the Government of Bengal?

Khan Bahadur MOHAMMED ALI: Under the directions of the Government of India

Family allowance of certain security prisoners.

*24. **Mr. SATYAPRIYA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Sj. Satindra Nath Guha, a security prisoner in the Dum Dum Central Jail, applied for family allowance on the 25th October, 1942, and sent several reminders;

(*ii*) that Sj. Santi Saran Ray Chowdhury, now a security prisoner in Dum Dum Central Jail, applied from Khulna Jail for family allowance on the 6th November, 1942, and sent reminders on the 13th December, 1942, 21st February, 1943, 22nd February, 1943, 21st April, 1943, and 3rd June, 1943, but no reply was received;

(*iii*) that Sj. Narayan Chatterjee, now a security prisoner in Dum Dum Central Jail, applied from Khulna Jail for family allowance on the 28th October, 1942, and sent reminders from Dum Dum Central Jail on the 4th January, 1943, 5th February, 1943, 1st March, 1943, 16th May, 1943, and 5th June, 1943, without any reply;

(*iv*) that Kazi Mohammad Mohsin Rezah, now a security prisoner at Alipore Central Jail, who was a clerk at the special D.S. Board at Majdia prior to his arrest on the 4th January, 1943, applied for family allowance and sent several reminders;

(*v*) that Mr. Abdul Mannan, now a security prisoner in Dum Dum Central Jail, applied for family allowance from Krishnagar Jail on the 18th January, 1943, and sent a reminder from Dum Dum Central Jail on the 5th May, 1943;

(*vi*) that Sj. Manindra Kishore Sarkar, a security prisoner in Dum Dum Central Jail, applied for family allowance on the 23rd September, 1942, and sent reminders on the 11th November, 1942, 16th December, 1942, 29th January, 1943, and 8th June, 1943;

(*vii*) that Sj. Debendra Nath Das of Khulna, now a security prisoner in Dum Dum Central Jail, applied from Khulna Jail for family allowance on the 3rd December, 1942, and sent reminder from Dum Dum Central Jail on the 13th April, 1943;

(*viii*) that Sj. Upendra Nath Chowdhury, the only earning member of a recently divided Hindu family (formerly joint), now a security prisoner in Dum Dum Central Jail, applied afresh for family allowance on the 10th May, 1943;

(*ix*) that Sj. Adhir Ranjan Banerjee, a security prisoner in Dum Dum Central Jail, applied for family allowance on the 30th September, 1942, and sent several reminders thereafter;

(*x*) that Sj. Dinesh Chandra Ray of Burdwan, a security prisoner in Dum Dum Central Jail, applied for family allowance in January last and sent several reminders whose home has been burnt very recently and his family has become destitute;

(*xi*) that Sj. Arun Kumar Dutta, now a security prisoner in Dum Dum Central Jail, applied from Khulna Jail for family allowance on the 10th November, 1942, and sent reminders on the 27th November, 1942, and 7th April, 1943;

(*xii*) that Sj. Ramkamal Das, a security prisoner in Dum Dum Central Jail, applied for family allowance on the 26th February, 1943;

(*xiii*) that Sj. Rabindra Nath Chatterjee, a security prisoner in Dum Dum Central Jail, applied for family allowance on the 26th February, 1943;

(*xiv*) that Sj. Basanta Mukherjee, a security prisoner in Dum Dum Central Jail, applied for family allowance in November, 1942, and sent reminders on the 6th January, 1943, and 3rd May, 1943;

(*xv*) that Sj. Sanat Kumar Gupta, a security prisoner in Dum Dum Central Jail, applied for family allowance on the 21st January, 1943, and sent a reminder in March, 1943,

(*xvi*) that Sj. Nityabandhu Majumdar, a security prisoner in Dum Dum Central Jail, applied for family allowance on the 31st October, 1942, and sent six reminders;

(*xvii*) that Sj. Sriharsha Misra, an inhabitant of the Province of Orissa, now a security prisoner in Dum Dum Central Jail, applied for family allowance on the 26th January, 1943, and sent five reminders;

(*xviii*) that Sj. Badrinath Sha of Risra, a security prisoner in Dum Dum Central Jail, applied for family allowance in the 3rd week of January, 1943, and sent seven reminders;

(*xix*) that Sj. Asokenendra Basu of Bankura, a security prisoner in Dum Dum Central Jail, applied for family allowance on the 21st January, 1943, and sent a reminder on the 27th May, 1943; and

(*xx*) that Sj. Saileswar Mittra, a security prisoner in Dum Dum Central Jail, applied for family allowance on the 23rd April, 1943, and sent a reminder on 21st June, 1943?

(*b*) Will the Hon'ble Minister be pleased to state whether any of them, and if so, which of them, have been granted any family allowance up till now?

(*c*) If family allowance has not been given to all of them, will the Hon'ble Minister be pleased to state the reasons therefor in respect of those who have not been given such allowance?

(*d*) Is the Hon'ble Minister aware that the families of the abovementioned security prisoners have been put to great hardship on account of the detention of the abovenamed persons and the consequent stoppage of their incomes?

(*e*) Is the Hon'ble Minister considering the desirability of granting family allowances to each of the members mentioned in clause (*a*)?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

Mr. NISHITHA NATH KUNDU: In view of the details given in the question, will the Hon'ble Minister be pleased to state why is it that this information is not readily available, specially because when Government admitted that separate registers are kept for individual prisoners?

Khan Bahadur MOHAMMED ALI: I have already answered that. It deals with about 20 security prisoners and in case of each security prisoner it refers to letters received on 6th November and on different days.

Mr. SPEAKER: Why are you going into details?

Khan Bahadur MOHAMMED ALI: In view of details in each individual case, it is not possible to compile the materials readily.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when they received this question in the Department?

Mr. SPEAKER: I can give you the dates. It was received on the 13th September, 1943; it was sent to the department on the 23rd October and answered on the 7th September, 1944.

Medical treatment in Alipore Central Jail Hospital and death of Madan Gopal Joshi.

*25. **Mr. RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether there is sufficient arrangement for the general treatment in the Alipore Central Jail Hospital?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the facts about the death of Madan Mohan Joshi;

(*ii*) whether he died before his case was declared by doctors to be serious; and

(*iii*) whether proper medical treatment was given to him?

(*c*) Is it the fact that quinine in the said hospital is not available for a good long period?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) (*iii*) Yes.

(*b*) (*i*) One security prisoner named Madan Gopal Joshi died on the 9th March, 1943, of heart failure due to an onset of acute pulmonary oedema.

(*ii*) and (*c*) No.

Number of deaths in Murshidabad district during July to December of years 1942 and 1943.

*26. **Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the Table a statement showing for the months of July, August, September, October, November, and December of the years 1942 and 1943—

(*a*) a comparative account of the number of deaths of human beings that took place in the areas covered by each police-station of the district of Murshidabad;

(*b*) the causes of such deaths in such months of 1943, giving the number in each case;

(*c*) the measures, curative and preventive, adopted by (1) Government, (2) District Board, and (3) Union Boards; and

(*d*) the steps and measures that Government have in view for preventing the recurrence of such diseases and deaths in future?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) and (*b*) Statements are laid on the Library Table.

(*c*) and (*d*) In 1942, the health of the district was on the whole good. There were no serious epidemic diseases, and no special measures were called for. But the year 1943 was a specially bad year. Twenty-two destitute hospitals were opened by the Government throughout the district from September, 1943, onwards. Government also posted two military doctors to this district for the purpose of taking prompt measures, curative and preventive, against malaria and other epidemics prevailing in the district. Their work was supervised by Major A. Nand. Quinine and cinchona febrifuge were also supplied by Government for free distribution. Seventeen "Mobile Medical Units" were entertained in the district to supplement medical aid wherever it was found necessary "Satellite Treatment Centres" were opened near 38 existing dispensaries in the district at the cost of Government.

For smallpox and cholera the District Board undertook intensive vaccination, inoculation and disinfection measures. Patients were also treated. For prevention of malaria, the Board took recourse to Anti-Pistia drive and use of quinine products. The District Board distributed quinine (1,500 lbs.) freely through Union Boards, local societies, schools, colleges, Ram Krishna Mission, Kissan Sabha, military doctors, Sanitary Inspectors, 140 malaria camps, District Board and Union Board dispensaries, Mobile Medical Units and Satellite Treatment Centres attached to dispensaries. 2,500 lbs. of quinine were also made available to Medical Practitioners

The action taken by Government as detailed above will continue this year if considered necessary.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that in getting permits for quinine, doctors from the interior and the mufassal had to come to the headquarters station and to wait there for 7 to 10 days before getting permits for one lb. of quinine?

Khan Sahib HAMIDUDDIN AHMAD: Under the quinine rationing system, doctors have generally got to come to the district headquarters, but Government is not aware of the fact that they had to stay there for 7 days.

Mr. SASANKA SEKHAR SANYAL: In view of the fact that there is only one quinine authority, namely, the Civil Surgeon who sometimes is available in the headquarters and sometimes is not available, is it the Government's case and information that doctors who have got practice in the interior of the district find it very convenient to take permits from there?

Khan Sahib HAMIDUDDIN AHMAD: The whole question of quinine distribution is under the consideration of Government.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that at a conference which was held on the 5th October last which was presided over by the Subdivisional Officer, Kandy, a resolution was adopted and forwarded to Government that although it was the Government's case that 4,000 lbs. of quinine were to be supplied to the district in the year under review, still there have been villages in which not one grain of quinine has been available from Government?

Khan Sahib HAMIDUDDIN AHMAD: It is for the District authority to port that.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware of e fact that some Executive Officers have been arrested in connection with e smuggling and pilfering of a large quantity of quinine out of this 000 lbs. referred to?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that ro Executive Officers who were arrested in connection with quinine nuggling are still continuing in office in the headquarters of the district id that police investigation has been going on for the last 21 months with-it any charge-sheet being submitted against them?

Khan Sahib HAMIDUDDIN AHMAD: Sir, this question does not arise.

Dr. NALINAKSHA SANYAL: That is a matter for the Speaker to ecide.

Mr. SPEAKER: What was the question?

Mr. SASANKA SEKHAR SANYAL: Sir, it is stated that 1,500 lbs. of uinine have been supplied to non-officials and 2,500 lbs. out of this ,000 lbs.——

Mr. SPEAKER: Yes, it does arise.

Khan Sahib HAMIDUDDIN AHMAD: I want notice about it.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that Government officer reported to the Health Department that out of the ,000 lbs. of quinine a large portion had found its way in the black market i Calcutta for replenishing the big firms, European and Indian, for preparing atent medicines?

Khan Sahib HAMIDUDDIN AHMAD: No.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware hat the latest report about Murshidabad is that in one subdivision alone, amely, Kandy, more than 50 per cent. of the population has been attacked ith malaria and that no quinine is up till now available during September,)ctober and November?

Khan Sahib HAMIDUDDIN AHMAD: No. Government is not aware f that.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that ven the Subdivisional Officer, Kandy, reported the matter to Government hrough the District Magistrate by telegram and by a special messenger hat unless the quinine rationing system is changed and subdivisional uthorities are appointed, namely, the Subdivisional Officer and subdivisional octors, people who are now in the grip of malaria will not be cured and that 0 per cent. of the people will be overcome by disease?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that the hole question of revising the scheme of distribution of quinine is under the onsideration of Government.

Mr. SASANKA SEKHAR SANYAL: May I know what is the Govern-ent report regarding the functioning of the previous system and the xisting system?

Khan Sahib HAMIDUDDIN AHMAD: It is not quite satisfactory. So, t is under consideration of Government.

Mr. SASANKA SEKHAR SANYAL: Has Government received the information that during the last 16 months at Murshidabad the rationing system is so defective that there have been villages in which, in spite of series of applications, not a single grain of quinine reached?

Khan Sahib HAMIDUDDIN AHMAD: Some complaints are coming from all districts throughout the province and that is why it is under the consideration of Government whether some improvement can be made in the policy of distribution of quinine.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that although the Civil Surgeon is the rationing authority the quinine stock is kept in the District Jail and that doctors who come to the headquarters wait several days to get their permits and have to wait for three days more to get supplies?

Khan Sahib HAMIDUDDIN AHMAD: I have already said that Government is not aware of that.

Mr. SASANKA SEKHAR SANYAL: May I know what is the necessity for keeping this stock in the jail custody?

Khan Sahib HAMIDUDDIN AHMAD: Government think that that is the safest custody.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state why the quinine was not kept in custody of the local Treasury which is close to the Civil Surgeon's office, so that persons who get permits from one building can get supplies from the next building.

Khan Sahib HAMIDUDDIN AHMAD: Government will consider the suggestion.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of forwarding my interpellations and answers today to the district authorities of Murshidabad forthwith so that the District Magistrate, the Civil Surgeon and other authorities concerned may take action immediately?

Khan Sahib HAMIDUDDIN AHMAD: It will be considered by Government.

Mr. SPEAKER: Question time is over.

Adjournment Motion.

Mr. P. BANERJI: Sir, I gave notice of an adjournment for which you have given your consent. I shall make a short statement as required by the rules. May I have your permission to move it?

Mr. SPEAKER: You simply move the motion.

Mr. P. BANERJI: Sir, I beg to ask the leave of the House to move the following adjournment motion for which you have given your consent:—

> "This Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, viz., the abnormal situation arising out of the strike of the Press Workers in the Bengal Government Press from Monday afternoon, the 20th instant creating total deadlock of the printing works and the failure of the Government in not tackling the situation satisfactorily."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, may I say a few words at this stage? You have given your consent to this adjournment motion. So far as I am concerned I would welcome an opportunity of making a statement and explaining the whole position. I would, if I may

put it that way, prefer to make my statement now. In case that is not considered satisfactory, it would be open to the honourable member to move his adjournment motion.

Mr. SPEAKER: The whole point is this. If the Opposition agrees to this procedure, I will not object to it. But strictly speaking that is not the procedure. I have given my consent and according to the proper procedure, Mr. Banerji has asked for leave of the House to move his motion. Has the Opposition got any objection to hear the Hon'ble Finance Minister first?

Mr. SASANKA SEKHAR SANYAL: Let the mover place his case first and let the Finance Minister reply to it if he so chooses. In that case we shall be in a position to consider what we should do.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: That is a good suggestion.

Mr. SPEAKER: I think in that case I have got to read out the statement first.

Khan Bahadur MOHAMMED ALI: Is the motion in order?

Mr. SPEAKER: It is in order and I have allowed it. The statement is as follows:

"The grievances of the Press employees of the Government of Bengal are mainly the following amongst others, viz.,

(1) Low wages,
(2) No subsidised rations, and
(3) No change in the long working hours.

On the 4th October, 1944, in memorandum No. 1108Misc., Government were pleased to direct that from the 18th October, 1944, office hours in Government offices in Calcutta shall be from 10-30 a.m. to 5 p.m. (I.S.T.). But this order was witheld from workers in the Bengal Government Press. They are made to work from 9 a.m. to 6 p.m. as usual. A representative of the Press employees interviewed the Hon'ble Finance Minister and the Labour Commissioner. A conference lasting for six days with the Labour Commissioner and representatives of the Press workers continued. On Friday, the 17th November, the Labour Commissioner assured verbally that the Press workers will be entitled to (1) 20 per cent. increase in wages, (2) subsidised rations, (3) usual time, i.e., 10-30 a.m. to 5 p.m. as per Government order without loss of earning of the piece workers. This was not confirmed in writing, though assurance was given, but on the contrary, on the 20th instant, the Labour Commissioner called the representatives of the Press workers to say that the matter will be further discussed after his return from Darjeeling without giving any definite date and time. When these were communicated to the workers, they lost all hopes of having their grievances mitigated at the hands of the Labour Commissioner. The patience of these poor employees has been exhausted and they went on stay-in-strike from yesterday afternoon. Employees of some other presses, Thacker Spink, Hooghly Printing, etc., have also gone on strike. Notices have been served on the *Statesman* and other presses also and on the Labour Commissioner without any result. Strikes by the workers of these presses are also apprehended. As a result, printing of ration cards, papers for the Assembly, High Court Cause-List, Gazette and other very urgent matters of the Bengal Government will cease and has ceased on account of the strike and very serious dislocation of work is apprehended. I have come to know of this abnormal situation only this afternoon."

Is there any opposition?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: There is no opposition.

Mr. P. BANERJI: Mr. Speaker, Sir, I beg to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, viz., the abnormal situation arising out of the strike of the Press workers in the Bengal Government Press from Monday afternoon, the 20th instant creating total deadlock of the printing works and the failure of the Government in not tackling the situation satisfactorily.

Sir, you have read out the statement already, from which it is very clear that the Government did not take immediate steps to settle the matter in spite of the fact that representatives of the Press along with their President and Secretary saw the Hon'ble Finance Minister and also the Labour Commissioner. The Labour Commissioner gave definite assurances, as has been stated in the statement, on the 17th and said that it was within his right and his competence to decide this question and that he would take the matter up under section 6 of the Ordinance. He also said that he would implement his assurances. But on the 20th morning he told the representatives of the Press that he was leaving for Darjeeling and that further discussion was necessary. Now, Sir, it is not known why the Labour Commissioner changed his mind, as it were, overnight. It is apprehended that there was some pressure from somewhere. It is reported that the Labour Commissioner was willing to concede at least certain of the conditions except subsidised ration. He said that the standardisation of rates and the abolition of the piece system might take some time. However assurances were given that these questions might be settled hereafter. But a week has elapsed and nothing has been done. The workers want an increase in dearness allowance and subsidised ration or in the alternative a substantial increase in wages. Subsidised ration is given by the Port Commissioners and other big companies. But the Government did not give subsidised ration as was given by the Port Trust and other big companies to their labour.

They are working from 9 a.m. to 6 p.m. But the Government notification, dated the 4th October, says that the working hours in Calcutta for all Government offices are from 10-30 a.m. to 5 p.m. A copy of that circular was forwarded to the Manager of the Press but he withheld the notification and did not tell the workers about the change in office hours. Still they are working from 9 a.m. to 6 p.m.

Now, Sir, when on the morning of the 20th instant, that is, day before yesterday the representative saw the Labour Commissioner, the latter said that he was going to Darjeeling and the whole matter could be discussed again after his return from Darjeeling. Now, Sir, no date was given when he was coming and this question was shelved It is apprehended that somebody higher with his influence stayed his hand. The statement made by other presses yesterday has come to be true. The workers of other presses have also gone on strike from 10 this morning. Now, if this state of things continues and if the Labour Commissioner sits on the fence as also the Labour Minister and the Finance Minister, we can imagine what will happen in Calcutta. For the time being we are concerned with the Government Press. You are aware, Sir, that the work of the Assembly Department is practically dislocated. The Assembly staff has to work very hard in order to roneo all these notices. Therefore you have experience of the tremendous pressure of work the staff of the Assembly are put to. It is also apprehended, as I have stated in the statement, all these cause lists and Assembly papers will not be printed for some time unless Government rise equal to the occasion and settle this question.

Now, Sir, in this morning's *Amrita Bazar Patrika* the Principal of the biggest college in India, I mean, the Vidyasagar College, has made a statement that he is not getting ration for some time for want of ration card and the ration cards are printed in the Government Press. As a result he is suffering very much and he has given full details of the difficulties arising out of this.

Sir, in this city while on account of high prices of commodities the poor labourers everywhere are getting high wages, why the Government which are spending money in other directions and are wasting huge sums should not take immediate steps to meet the grievances of these workers of the press.

I would like, Sir, the Hon'ble Finance Minister and the Hon'ble Labour Minister, if he wants, to make a statement in this connection. But even if the Finance Minister now comes forward to make a statement as to what Government has done it was up to him, when the deputation waited upon him some time ago—perhaps on the 8th of this month—to have done something, but he did not do anything. He made empty promises as is done by all Ministers but did nothing and left the entire thing in the hands of the Labour Commissioner and as I said he gave some assurance which is not known. I want to ask the Hon'ble Minister why so many days have been wasted in spite of the assurance being given and why the assurance was not acted upon. Why the Labour Commissioner left Calcutta on the day when the strike started? Perhaps the reason is that when he comes back he could say that he was not present when the strike took place. I want to know from the Hon'ble Minister why he was sitting on the fence. Now the mischief has been done mere assurances will not improve matters. It is expected that some definite steps must be taken by the Government so that everything comes to normal.

With these words I move my motion.

Mr. DEPUTY SPEAKER: Mr. Goswami.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, in order to save speaking twice I would prefer the debate to go on a little further so that I may reply to other points in the debate. All that Mr. Banerji has so far said is contained in the statement. If the debate went on a little further then I could answer all the points.

Mr. DEPUTY SPEAKER: Mr. Goswami, there is a possibility that the motion may be withdrawn after your statement.

Dr. NALINAKSHA SANYAL: Sir, we would like to know if Mr. Goswami is going to make a statement.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I would prefer the debate to proceed a little further so that I may include in my reply answers to any other points that may be raised.

Dr. NALINAKSHA SANYAL: There was a definite arrangement on the basis of which Mr. Banerji moved his adjournment motion when the Speaker was in the Chair. Am I to understand that the Hon'ble Finance Minister is resiling from that arrangement?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I am not resiling from any arrangement. It is certainly my intention that the debate should not be prolonged unduly.

Dr. NALINAKSHA SANYAL: There will be other members on behalf of Government who can give reply to the points that may be raised later.

Mr. DEPUTY SPEAKER: I think, Mr. Goswami, you make a statement at this stage. There will be no bar if you give a reply to the debate later on. If you make a statement there is a possibility that the motion may be withdrawn.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Deputy Speaker, I notice first of all that there are inaccuracies in the statement read out by the honourable member who moved the adjournment motion. There are several inaccuracies. First of all the workers of the Bengal Government Press did not go on strike on the afternoon of the 20th instant. They ceased

work from the morning of the 21st instant. Again it is said that no subsidised rations are given to the Press workers. That is not correct. They get rations at subsidised rates like other Government servants. There are some other inaccuracies.

I shall tell you what the situation is today and how it has developed. It will probably be within the recollection of honourable members that the Bengal Government Press employees stopped work from 3-30 p.m. on the 11th October, 1944, but returned to work at 2-30 p.m. on the following day.....(Dr. NALINAKSHA SANYAL: On certain assurances being given.) On an assurance which I gave that their grievances would be looked into. The Labour Commissioner, Mr. Hughes, was asked to look into their grievances. He was examining the grievances. It is true that as an overworked officer he could not arrive at a decision very quickly. On the 14th of October a formal petition was addressed to me. I examined that petition very carefully and had it examined by competent people.

On the 11th of November I was told that the workers would go on strike unless something was done. On Sunday the 12th of November, the President of the Press Employees' Association together with a number of representatives of the Government press employees came and saw me in my house and discussed their grievances. (Mr. P. BANERJI: On the 8th.) No; they did not see me on the 8th. On the 13th November we held a conference in the Secretariat—a fact which was known to the President of the Press Employees' Association and other representatives. We held a conference in the Secretariat and sent an intimation to the President of the Press Employees' Association asking him to meet me and Mr. Hughes at the Secretariat on the following day. That was Tuesday last week. The President and other representatives of the Press workers came as arranged. Mr. Hughes, the Labour Commissioner, was present. It was decided that Mr. Hughes should take up the matter in a quasi-judicial manner so as to ensure expedition of decision. Mr. Hughes had an engagement at Mangpoo near Darjeeling early last week. He cancelled his engagement which was also in the course of his official duties. It was decided that Mr. Hughes should go into all the questions raised by the employees, that he should give decisions on the more urgent ones first, and give his decisions on some other matters which might wait for the present.. .....(Dr. NALINAKSHA SANYAL: In Hughes' judgment.) No; in the judgment of the Press employees themselves. I am coming to that. It is probably known that one of the long-standing grievances of the Bengal Government Press employees has been that there has not been a change over from the piece scale to the time scale of payment. At the conference which took place on the 14th, the President of the Press Employees' Association as well as other representatives told us definitely that that was a matter the decision of which would naturally take some time. It involved calculations, as honourable members will easily understand,—perhaps not easily, but will try to understand. It is a question of giving in lump sum salary something more than the earning of the workers when they were placed on the piece scale. It was agreed that the decision on that point might wait. Meanwhile, Mr. Hughes was engaged in meeting the representatives of the Bengal Government press employees for the whole of last week, and what he said at the time of his departure for Darjeeling was that he would take a week to collate the facts and to prepare his report for the Government. He wanted a week's time. He was not told at the time of his departure that the workers would go on strike. In fact, no notice of the strike had been given. The strike came unexpectedly. (Dr. NALINAKSHA SANYAL: Didn't they speak to you personally?) They didn't. (Dr. NALINAKSHA SANYAL: When they saw you they said definitely.) That is not correct. The strike was undertaken without any notice to anybody and the position today is that the men are sitting in their places doing nothing. Now, I would like to impress on the members one thing, namely, that Mr. Hughes is acknowledged to be very friendly to

labour. This is not merely my opinion; it was actually said in my presence by the President of the Press Employees' Association and other representatives that they had implicit faith in Mr. Hughes, although he was a member of the Indian Civil Service and a Government Officer. I thought that having given Mr. Hughes almost plenary powers I was trying to do the utmost justice that was at the time possible. I may also inform the House that we very recently received from the Government of India an account of the strike which took place in September in the Government of India Press in New Delhi. That strike was called off on an assurance given by the Hon'ble Labour Member in the Government of India, Dr. Ambedkar. Their grievances are still being considered and there has not been a further strike. I ask honourable members to consider this: was it unreasonable for the Labour Commissioner to have asked for a few days' time to collate all the facts and to draw his inferences and to make his recommendations? He only wanted time up to the 27th of this month. I think that it was a very reasonable attitude.

Another inaccuracy in the statement of Mr. P. Banerji is this: He referred to a certain memorandum of the Finance Department. That memorandum varies but it has not shortened the office hours prescribed for a certain class of officers. In the case of the industrial workers of the Bengal Government Press it was suggested that their time may also be shifted. The Bengal Government press workers work 45 hours in a week, which was below the maximum prescribed in the Factory Act. Then, Sir, they work not from 9 a.m. to 6 p.m., as stated by Mr. Banerjee, but from 9-30 a.m. to 6 p.m. with an interval of half an hour for tiffin in the middle (Dr. NALINAKSHA SANYAL: But they are required to enter the gates at 9 a.m.). They are required to attend from 9-30.

I have already told the honourable members that they work between 9-30 a.m. and 6 a.m. These are all matters of detail which are being considered by the Labour Commissioner and I think it is only right that the House should take the view that the workers should have awaited the decision which will be in the nature of an award or a judgment by the Labour Commissioner. I would also like the House to realise that raising the scales of pay in the Government Press may have repercussions in the printing industry, if not throughout Bengal, at least in the city of Calcutta. That is a matter which certainly it is the duty of myself and of the other members of the House to consider.

Dr. NALINAKSHA SANYAL: Then raise your own salary.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I would therefore in all humility ask the House to desist from proceeding further with the discussion of the motion. Sir, I feel I have satisfied the House.

Dr. NALINAKSHA SANYAL: Is there any assurance of what is going to be done?

Mr. SASANKA SEKHAR SANYAL: Has the chance of raising the Members' salary anything to do with the demand for higher wages by the press workers?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: May be.

Dr. NALINAKSHA SANYAL: We were inclined not to prolong this debate and we were throughout watching very carefully if any sympathetic assurances were forthcoming from the Hon'ble Minister in charge of Finance who also happens to be in charge of the Press Department regarding the demands of the workers. All that we have heard is that Government have had a conference in the Writers' Building where members of the Press were not allowed to come in. They were called in on the next day and one officer of the Government has been asked to apply a sort of judicial mind to this question. We would like to know if the Minister in charge is really

going to give us a definite assurance that within a particular day or within a particular period of time this matter will be settled. After that the officer's report will be given and Government action will be made known. Otherwise it is no use stopping this debate. If we get such assurance, I can assure on behalf of Mr. Banerji of our Party that we shall not unnecessarily prolong the debate.

Mr. SANTOSH KUMAR BASU: May I just add one word to what has been stated by Dr. Sanyal? What I have listened to so long from the Hon'ble Finance Minister goes to show that the dispute is going on between the press workers and the Government of Bengal for sometime past. The Hon'ble Minister has given us a long series of dates and has also presented before us a picture of the progress of the dispute during the time it has been before him and the Labour Commissioner. The impression left in my mind is that Government might have been much more quick in arriving at a decision in this matter. There are not merely two parties to this dispute. There is the third, namely, the public outside. It is not entirely a question between the Government on the one side and the press workers on the other. Having regard to the fact that the strike is on in the Government of Bengal Press, the Hon'ble Minister must be aware that very large interests, public interests, are involved in this strike. The litigant public who have got to have their cases conducted by their lawyers on the Appellate Side of the High Court are suffering tremendously from want of daily cause lists. Cases are being struck off for no fault of the lawyers themselves; nor of the Judges who are doing it because such an amount of confusion has been created on account of the absence of the cause lists which are absolutely essential in carrying out the work on the Appellate Side of the High Court. These consequences are inevitable. In these circumstances, unfortunately the impression which has been left in mind after listening to the careful speech of my hon'ble friend setting out the details of the negotiations is that Government should have and could have come to a decision much earlier which would be just and proper from both points of view, from the point of view of the employer and the employed. Now that we have got this opportunity of ventilating the grievances of the public in this matter—and I am thankful to my esteemed friend Mr. Banerji for bringing up this matter at this stage—I hope and trust that the Hon'ble Minister will be in a position to declare here and now on the floor of the House taking advantage of this opportunity that a decision, a very quick decision would be arrived at in this matter before things come to a much worse position. I hope, Sir, that the Hon'ble Minister will be in a position to assure the public on the floor of the House that this hiatus will be brought to an end without any further delay.

Mr. DEPUTY SPEAKER: So far as I am concerned, the debate will continue if the motion is not withdrawn.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am grateful to my hon'ble friend Mr. Santosh Kumar Basu for pointing out that there are really three parties in this dispute, viz., Government, the Press and the public. The strike has of course resulted in public inconvenience. Even the Assembly work is suffering. The public have to be thought of in another connection, to which I made a passing reference just now, namely that we have to consider the repercussions of our decision on the printing industry of the province and especially of the city. But I wish to give this assurance that I shall take the most sympathetic view that is possible in the circumstances. It is our earnest desire that any decision that may be arrived at will be implemented with the least possible delay, and I don't think that it need be a question of anything more than 7, 8 or 9 days.

Mr. SASANKA SEKHAR SANYAL: Why not meet the representatives yourself?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have met the representatives of the press myself. I have met them more than once. I am sure that the results that will be achieved by a little patience will be satisfactory.

Mr. P. BANERJI: In view of the assurance given by the Hon'ble Finance Minister, I beg leave of the House to withdraw my motion.

Mr. DEPUTY SPEAKER: Leave has been asked by Mr. P. Banerji to withdraw his motion. Is there any objection?

(No objection was raised.)

The motion was then by leave of the House withdrawn.

GOVERNMENT BILLS.

The Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as passed by the Bengal Legislative Council, be taken into consideration.

Dr. NALINAKSHA SANYAL: Sir, the present measure has been hanging fire for a pretty long time and it is only in the fitness of things that we should have it passed without much opposition. I welcome the idea behind it. But there are certain misgivings which I want to take this opportunity to ventilate because of the circumstances that are gradually developing and which are making life, property and honour of the citizens of Calcutta and outside more and more difficult and insecure due to acts not of the enemy but of the supposed friends, particularly the military who have come from outside. Sir, while on this Bill, we would ask the Hon'ble Minister in charge to let us know definitely with regard to coroner's enquiry what he proposes to do in regard to serious accidents and deaths that are daily reported as a result of rash and negligent and reckless behaviour on the part of those who are responsible for driving military lorries and also apart from military lorry drivers, on the part of some who seek forcibly to enter gentlemen's houses and try to outrage the modesty of women.

Mr. DEPUTY SPEAKER: Dr. Sanyal, how can you come to this I cannot understand.

Dr. NALINAKSHA SANYAL: Sir, we sought to move adjournment motions to invite the attention of Government to this serious state of affairs in the city at the present moment. Unfortunately, Sir, the Hon'ble the Speaker has in one case thought that the motion was too wide and vague, and when today we brought the same or a similar charge to his notice inviting his attention to a serious road accident that had taken place only yesterday morning in broad daylight at the crossing of Harrison Road and Central Avenue which was reported in the Press this morning with photographs showing how an entire tramcar was thrown off the rails and placed several yards away as a result of a serious lorry charge, that motion has also been disallowed or consent has not been given to it, on some ground unknown to us. So the only opportunity we can have ——

Mr. DEPUTY SPEAKER: Dr. Sanyal, I am sorry to interrupt you. These are extraneous matters you cannot refer to them in a speech in connection with a Bill.

Dr. NALINAKSHA SANYAL: What will happen to the Coroner's Bill if we all die! (Laughter). Sir, I fully sympathise with you. Only this morning you yourself could have been the subject of Coroner's enquiry, and we are only lucky and fortunate that we have got the Deputy Speaker

back in the House when his own car was smashed by a military lorry that banged behind it. Similarly my own car this morning was from behind banged against by a military lorry by some black Americans.

Mr. DEPUTY SPEAKER: Order, order, Dr. Sanyal. You will get many occasions to bring in these matters before the House. I hope you will not bring in these matters now. You are absolutely out of order.

Dr. NALINAKSHA SANYAL: My own difficulty is, I will not be able to appear at the inquest on me that may be held by the Coroner. I have taken down the number of the lorry BH 1201G—a military lorry—which banged against my car from behind and damaged it. Luckily I was not the subject of Coroner's enquiry. That is why I am taking this opportunity to bring it to the notice of the Hon'ble Minister in charge if the Government of Bengal have any ability or power to give protection to living men, not to say, to dead men. My own trouble is, I have exhausted all possible methods to invite the attention of Government to the serious state of insecurity now prevailing in Calcutta. The Calcutta Tramways Company invited attention how as a result of this recklessness on the part of military lorries——

Mr. DEPUTY SPEAKER: Dr. Sanyal, I have given you some latitude to bring in miscellaneous matters. I hope you will kindly finish your speech and will not bring in matters which have no connection with this Bill.

Dr. NALINAKSHA SANYAL: Sir, I surely do not want to detain the House unnecessarily over a matter which you may think to be not quite relevant to the present debate. But, Sir, you will realise that the House has got functions and functions, and it is only in connection with Bills that we can have the liberty—and speak in general terms when we have got a certain Bill before us—to invite attention to the inadequacy of such measures and also to point out what further measures Government should bring forward. This Bill merely deals with certain classes of accidental deaths where coroners enquiry has to be held. I am bringing to your notice and to the notice of the Government the necessity of taking legal and executive measures to put a stop to certain things which do not necessitate the amendment of the Coroner's Act. Probably tomorrow we may be faced with another Bill which will state that no enquiry need be held where death is caused not by enemy action but by friendly Allied Powers residing in this city to give us protection from our enemy the Japanese. We are supposed to be under the protection of a certain class of people: some of them enter our houses, seek to have womenfolk of respectable families, outrage their modesty, and yet the police would not take the cases into cognisance.

Mr. DEPUTY SPEAKER: Dr. Sanyal, again you are talking about these things.

Dr. NALINAKSHA SANYAL: Sir, where is the necessity for Coroner's enquiry if no enquiry is provided for in such cases? I would like to know if Sir Nazimuddin has got such cases brought to his notice and whether he has devised any measure. I would like him to at least keep up to his reputation of providing ample protection to persons under his own care and when we are thinking of dead men, let us also think of men who are living today but might be dead tomorrow.

Mr. DEPUTY SPEAKER: Dr. Sanyal, I will have to adjourn the House for prayer.

Dr. NALINASHA SANYAL: All right, Sir, I will continue after that.

Mr. DEPUTY SPEAKER: But you are absolutely out of order.

Dr. NALINAKSHA SANYAL: You know, Sir, that in Howrah, within the jurisdiction of Golabari police-station, on the 31st October in the night at 1-30 a.m. two uniformed men——

Mr. DEPUTY SPEAKER: Again you are bringing in an extraneous matter.

Dr. NALINAKSHA SANYAL: ——at the point of a revolver went to the house of a gentleman and ravished a girl who was suffering from a severe illness.

Mr. DEPUTY SPEAKER: Dr. Sanyal, you take your seat, please. I will put the question now.

Mr. SASANKA SEKHAR SANYAL: No, Sir. There are other speakers.

Mr. DEPUTY SPEAKER: Will you speak?

Mr. SASANKA SEKHAR SANYAL: Yes, Sir.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Dr. NALINAKSHA SANYAL: Mr. Deputy Speaker, Sir,——

Mr. DEPUTY SPEAKER: Just a minute, Dr. Sanyal. If you continue your speech, I hope you will not go beyond the scope of this Bill but will strictly confine to the Bill only.

Dr. NALINAKSHA SANYAL: Yes, as I read it, Sir. Sir, the Bill before us has been devised to withhold enquiry into cases where deaths have occurred as a result of enemy action. My submission is that the Bill is either incomplete or ill-conceived, because, as I have just pointed out to you, due to increasing insecurity of life and property in the city on account of action, reckless and otherwise, of the military—white and black—American, British and otherwise—the necessity for providing more comprehensive clauses of this character has arisen; and I would respectfully request the Hon'ble Home Minister to consider carefully if in view of the fact that the Bengal Government appears to be thoroughly unable or incompetent or undesirous of providing adequate protection to the citizens of Calcutta against such conduct the only other alternative would be so to devise the law that in case of death no enquiries will be made as is provided in the present legislation, because if enquiries are made unpleasant truths will come out. Only last night, Sir, one Bholanath Banerji, when he was coming out ——

Mr. DEPUTY SPEAKER: The Bill is confined to cases of death by enemy action and so you cannot speak about anything else.

Dr. NALINAKSHA SANYAL: I am speaking of the circumstances under which enquiry need not be made. That is the Bill as I read it. Death by enemy action—that is one category you have devised. I submit, Sir, the Bill is not complete; this should be further amplified. Last night one Bholanath Banerji, an old man of 55 years, while he was returning home from his duty——

Mr. DEPUTY SPEAKER: Dr. Sanyal, you can raise that by way of an amendment.

Dr. NALINAKSHA SANYAL: Am I not entitled to point out the lacunae of the present Bill?

Mr. DEPUTY SPEAKER: You can bring in an amendment.

Dr. NALINAKSHA SANYAL: Sir, the lacunae of the present Bill are apparent. Two or three Americans held that gentleman and broke his teeth and the gentleman went to the hospital——

Mr. DEPUTY SPEAKER: Dr. Sanyal, I am really sorry, but I cannot allow this. If you proceed in this way, I will have to ask you to discontinue your speech.

Dr. NALINAKSHA SANYAL: I am not actually deviating from the object of the Bill.

Khan Bahadur MOHAMMED ALI: You are!

Dr. NALINAKSHA SANYAL: How?

Sir, the point is this. You know, Sir, that this Bill would affect cases like the death that occurred in Garden Reach as a result of bombing by the Japanese in December, 1942. Similarly, in the same area at Watgunge, one rickshaw-puller was peremptorily shot at by a few black Americans, because at 3-30 a.m. that poor rickshaw-puller having got tired was waiting.

Mr. DEPUTY SPEAKER: Where is the relevancy? Neither I myself nor the Home Minister can be bound by this question which is outside the scope of the present Bill.

Dr. NALINAKSHA SANYAL: Sir, I am inviting the attention of the departmental Minister in charge to the inadequacy of the present measure. We would like to have this measure and something more. In fact, Sir, I have a right to oppose the Bill on the grounds stated by me. I hope you will not deny me that right. I have not opposed the present measure, but I would like to invite the attention of Government to the necessity of amplifying the provisions of the measure. What will happen to the rickshaw-puller? That unfortunate man was shot at. What will happen in case of a death, as was reported in the newspapers, where several black Americans assaulted murderously a taxi-driver, as a result of which a strike in Calcutta was imminent. Sir, you had been the President of the Taxi-drivers' Union. You now how very recklessly these people are being treated by the foreigners. I would like to say that if there is any measure to deal with incidents like these that measure should be complete. If Government cannot complete the measure, let them admit their failure. We will then go and seek the protection of the Allied people that are in Calcutta and tell them that the British people and their proteges in Bengal are not in a position to give us protection. We are helpless. Come along বাবা take our country. (Laughter.) Protect us. What shall we do? We want to live. What is this war being fought for? If this war is not for the protection of our life and property, what is the use of Americans coming here? I am putting these questions, Sir, quite seriously——

Mr. DEPUTY SPEAKER: Order, order. I have considered the points that you want to raise, but you are not entitled to raise them.

Yes, Mr. Sanyal.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I am afraid the House is taking this measure more lightly than we should do, because to me as a humble lawyer it appears that clause 4 of the proposed Bill is the very negation of the fundamental principle of Criminal law. Sir, you know that when a death is caused amounting to an offence, the first article for investigation in order to bring the matter to the forum of law and justice is that the *Corpus delicti* should be collected and preserved as far as possible, so that the subsequent proceedings of justice may be prudently applied in the matter.

Now, Sir, you find in this case that Dr. Sanyal was not really going outside the scope of the Bill when he was referring to certain cases. But I am afraid that the relevancy of the matter was not being properly understood. After all, this clause 4 says: "Provided that, unless the Provincial Government otherwise directs, it should not be necessary under this sub-section, in any case where the death of any person has been caused by enemy action, to make any investigation or to draw up any report or to send any intimation to a Magistrate empowered to hold inquests". That is to say, Sir, Government wants to exempt the administrative authorities who are under an obligation to do something from doing that, and for certain reasons.

Now, Sir, who will decide whether death has been caused by enemy action or by a private offender? Who will decide that? Dr. Sanyal was referring to certain possible cases and they are not at all imaginary. Suppose a bomb falls from an enemy plane, but no death is caused by that; and simultaneously in some parts of Calcutta some military ruffian enters into a private house, is resisted and then fires a bullet either at the lady or at the protesting male of the house. There was bombing by the enemy and so if it is claimed that the unfortunate person was killed by a bomb falling from an enemy plane the ruffian will at once be saved by this provision.

Sir, the fundamental question is whether death was due to enemy action or to the conduct of a private offender. It can be decided only after investigation is held. The Coroner may examine the body and he will probably come to a finding that death was caused by splinters and not an ordinary bullet—not death due to a knife and that death was due to splinters which could not have been inflicted by a private individual. But before that it would be idle to speculate that a particular death could be due to enemy action and not to action by a private offender. As a matter of fact, it is a serious thing. The whole of Calcutta will be unsafe. It is already unsafe—unsafe due to the misconduct of certain foreigners. It will be made thoroughly unsafe by this legislation. This legislation is not merely incomplete as Dr. Sanyal says: it is not merely ill-conceived; it is far worse. It is entirely detrimental to the fundamental liberty and safety of the citizens of Calcutta.

Well, Sir, at a time when Calcutta has already had an experience of uncontrolled military *goondaism* causing ravages to individual families, at that time to bring a legislative measure of this type is, to say the least of it, putting a premium upon all sorts of military *goondaism* and an indirect encouragement to ruffians to have their say in ruffianism.

Therefore, Sir, I would appeal to the Hon'ble Minister to look at the matter from that point of view. The Provincial Government is prompted by something that is due to enemy action. It is neither fair for us to give the Provincial Government that power; nor is it prudent for the Provincial Government to ask for that power because we also know that *vis-a-vis* the Military the Government functions at a disadvantage and have got certain limitations. If there is some person belonging to the military taking recourse to a highly objectionable conduct in respect of that I think the Provincial Government has exhibited inability and inefficiency even in the matter of disciplinary action far less in legal action and if the *goondas* are encouraged and strengthened by a legislation of this kind this would not only add still more to the already unsafe condition of the citizens but it would also add to the difficulties and weaknesses of the existing weaknesses of Government. Sir, we must stand by the law as it is I would ask the Hon'ble Chief Minister whether there is any parallel legislation like this in the realm of Great Britain. The liberty of subjects in Great Britain has not been given the go-bye. England is also being bombed and the cities of the allied countries are also being bombed. There no Government has asked for immunity from the ordinary process of law in such an important matter. If the allied countries can do without a strangulation legislation of this kind or of any special form I submit no case has been made out for introduction of a measure like this here in Bengal. We are also suffering very much from failure of justice in relation to the military and even in relation to war contractors. Let us not have another instrument for stifling the liberties and safety of the province.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not propose to reply to what has been stated by Dr. Sanyal. One who deliberately flouts the rules and regulations of this House and who deliberately disobeys the ruling of the Chair is not entitled to any reply from Government.

Dr. NALINAKSHA SANYAL: You have no reply to give. You have not the courage to do so.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as Mr. Sanyal is concerned I may inform him that legislation to this effect has been passed in Great Britain and in Bombay.

Mr. SASANKA SEKHAR SANYAL: Similar legislation?

The Hon'ble Khwaja Sir NAZIMUDDIN: Almost on these lines. This idea appears to be farfetched for this reason that this is applied only to cases where any kind of air-raid or any kind of enemy action has taken place, and it is extremely improbable to imagine that in that particular area in that particular spot where some kind of enemy action has taken place somebody will take advantage of that to murder somebody. That risk we have to take. In view of the fact that we have found from experience that disposal of dead bodies takes very long time owing to having to observe the rules and regulations about the Coroner's inquest and in view of our past experience we have felt it incumbent to bring in this measure.

The motion of the Hon'ble Khwaja Sir Nazimuddin that the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as passed by the Bengal Legislative Council, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as settled in the Assembly, be passed.

Dr. NALINAKSHA SANYAL: Sir, on the 3rd reading of this Bill I would only take this opportunity to submit to the Hon'ble Chief Minister of this Province who has also to provide protection to the life and property of the citizens not to be guided by sentiments and by emotions but to have also something else up his sleeves and within his bosom. I hope that although I may be out of court in his own judgment in regard to points and observations made in this House, his countrymen who are suffering and dying and are injured in the streets of Calcutta will not be out of court, because I have taken this opportunity of inviting his attention and your attention to such serious state of affairs in the province. I implore him that he may also not send some of these goondas to my house because I am out of court and will not deny me the privilege of an ordinary citizen.

Mr. DEPUTY SPEAKER: Dr. Sanyal, you are out of order. If you have anything to say with regard to the Bill you may do so.

Dr. NALINAKSHA SANYAL: I hope that he will rise above pettiness and see that while he is entrusted with a responsible position during the difficult times he will not hesitate to assert himself and if necessary take this House into his confidence. If he wants, I can assure him that so far as we are concerned, we shall be whole-heartedly supporting him if he can devise any measure effectively to put a check on the class of *goondaism* that I have referred to.

The Hon'ble Khwaja Sir NAZIMUDDIN: In view of the way in which Dr. Sanyal has been going on I would like to say that when he wants anything really done he comes to see me in the Writers' Buildings but when he seeks cheap publicity he speaks in the House.

The motion of the Hon'ble Khwaja Sir Nazimuddin that the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as settled in the Assembly, be passed was then put and agreed to.

The Bengal Diseases of Animals Bill, 1944, as passed by the Bengal Legislative Council.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bengal Diseases of Animals Bill, 1944, as passed by the Bengal Legislative Council be taken into consideration.

Sir, this is a very simple Bill. Everybody in Bengal knows that every year we get very high mortality of cattle owing to epidemic diseases. This is an attempt to control diseases. So far, there have been no legislative measures for controlling the spread of epidemics among animals. This is the first move of its kind and we have provided for segregation and for controlling of diseases by other methods and if necessary by killing the affected animals if it is absolutely necessary. These are the main provisions of the Bill and I hope there will be no objection to their being accepted by the House.

The motion of the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain that the Bengal Diseases of Animals Bill, 1944, as passed by the Bengal Legislative Council be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that for sub-clause (*4*) of clause 2 the following be substituted, namely:—

"(*4*)(*a*) 'infected' used with reference to an animal means affected by a contagious disease.

(*b*) 'infective' used with reference to an animal means has recently been in contact with or proximity to an animal affected by a contagious disease."

Sir, you will notice that provisions have been made for the segregation of animals as well as for treatment and even destruction of animals in certain cases. But, Sir, an omnibus definition has been framed of the word "infective" including two categories of animals affected, namely animals affected by and suffering from contagious disease as well as animals not affected really but suspected of having caught the contagion from diseased animals. I propose therefore to introduce two categories in the definition of infected animals. First of all, animals actually affected, that is, suffering from contagious disease and secondly animals suspected of or presumed to be suffering from a contagious disease, i.e., animals which have been in contact with or in proximity to animals affected by contagious disease. Sir, really what I propose to do is to divide the definition in the Bill so as

to bring the first part of the definition under the word "infected" and the second part of the definition under the word "infective" so that in cases of infective animals, i.e., animals which are not actually suffering from contagious disease but which may be suspected of having caught the infection of a contagious disease, they may be subject to lighter treatment, i.e., segregation, isolation and so forth, whereas regarding infected animals, all sorts of measures may be taken so that they may be free from disease and not infect others. It is just for that purpose viz., to make them subject of different treatments that I am going to divide the definition and to classify the two categories of unsound animals, namely, infected and infective.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think it is not at all necessary to divide it. If the honourable mover of this amendment had made separate provision for infected and infective, then of course there would have been some point but, I find, there is no provision. As a matter of fact the contrary has been done in respect of clause 8. He has said that not only infective but infected and both the words should be there in place of only the word infective. Sir, this is not at all necessary because we think that both the kinds of animals, i.e., which have been actually infected and those which have been in close proximity with the affected animals, both should be segregated in the same manner. That is the opinion of the experts. So I oppose this motion.

The motion of Rai Harendra Nath Chaudhuri that for sub-clause (*4*) of clause 2 the following be substituted, namely:—

"(*4*)(*a*) 'infected' used with reference to an animal means affected by a contagious disease.

(*b*) 'infective' used with reference to an animal means has recently been in contact with or proximity to an animal affected by a contagious disease" was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in lines 2 and 3, sub-clause (*2*) to clause 6, for the words "mechanically propelled vessels of a type approved by the Provincial Government" the words "steamer or boat" be substituted.

Sir, clause 6, sub-clause (*2*), permits by way of exception the carriage of animals through infected areas. If so, why should carriage only by railway and by mechanically propelled vessel of a particular type approved by the Provincial Government be allowed? Why should not carriage generally by steamer or boat be permitted? Why premium should be put on a particular type of mechanically propelled vessels approved by the Provincial Government, that I cannot understand.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the real point is that on the way if the animal is carried by boat, there is a chance of his getting infected there. That is why it has been provided that the carriage should be by steamers and rails where there is no chance

f the animals being infected on the way. But if it is carried by boat, it ften happens, that the boats will lie an anchor on the way in the infected rea and the animals may catch contagion. That is why there it has been ntentionally provided that the animals should be carried either by steamer r by railway.

The motion of Rai Harendra Nath Chaudhuri that in lines 2 and 3, ub-clause (2) to clause 6 for the words "mechanically propelled vessels of type approved by the Provincial Government" the words "steamer or oat" be substituted was then put and lost.

The question that clause 6 stand part of the Bill was then put and greed to.

Clause 7.

The question that clause 7 stand part of the Bill was then put nd agreed to.

Clause 8.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to nove that in line 3, sub-clause (*1*) of clause 8 for the word "infective" he words "infected or affected by a contagious disease" be substituted.

I also beg to move that in line 1 of paragraph (*a*) of sub-clause (*1*) to lause 8, for the word "remove" the word "segregate" be substituted.

I further beg to move that in lines 3 and 4 of the proviso to clause 8(*1*), he following words be omitted, namely, "without undue delay, or the order annot be communicated to him without undue delay".

Sir, my first motion relating to clause 8 attempts to indicate difinitely n which cases not only segregation but also treatment and removal of nimals infected may be necessary or allowed. Therefore, Sir, I propose o substitute for the word "infective" the words "infected or affected by contagious disease". You will find, Sir, that in the definition the word 'infective" has been made much too comprehensive with the result that attle which may not be afflicted with contagious disease but is suspected of being infected may also be directed to be removed from the area. Why his harsh treatment of animals which are not found to be actually affected or suffering from a contagious disease but are merely suspected to be the ubject of infection? Mere segregation should be enough in these latter ases In cases where the animals are merely suspected to have caught he infection by being in proximity to diseased animals, segregation or solation should be a sufficient measure; and that is provided in clause 4. Clause 8 goes further. It not only provides for segregation but also for reatment—at whose expense God knows—as well as for compulsory emoval of the cattle Should a cattle be removed elsewhere imply because it is suspected of catching a contagion? Take he case of a poor peasant He may be ordered to take a uspected cattle from his tenancy to a long distance where there is a ospital or place of segregation. The language of the sub-clause is very vide, viz., "to keep it for the time being or to remove it or allow it to be emoved to such place of segregation or isolation as may be specified in he order". That a poor peasant may not be ordered to remove a suspected nimal to a distant place of segregation, is the reason why the word 'remove" is proposed to be changed in my amendment by the word 'segregate". There segregation only will be necessary; but if the word 'remove" be there the order may be so harsh as to require the removal of the cattle from one place to another distant place and it may not be within the means of a poor peasant to easily comply with such an order. That is why I propose that the word "remove" should be changed and the word "segregate" should be used for it If the veterinary assistant considers t necessary that the animal should be removed to another place, let him do it at the cost of the Government. But why should the peasant be asked to take his cattle from one place to another, because it is merely suspected

of suffering from a disease? Segregation in such a case should be an adequate measure, and I have therefore proposed the substitution of the word "remove" by the word "segregate". In cases where the animals are actually suffering from a contagious disease, they should be subjected to treatment and the peasant may be asked to allow them to be removed to another place.

As regards amendment No. 5, I want to prevent the possible hardship of the unfortunate peasants—hardship which may not be easily imagined by any other section of the people. The proviso to clause 8(1) runs thus: "Provided that where there is no person in charge or having control of the animal and the owner is either unknown and cannot be ascertained without undue delay, or the order cannot be communicated to him without undue delay or the owner or person in charge or having control of the animal fails to comply with the order within such time as in the opinion of the veterinary assistant is reasonable, the veterinary assistant shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary".

Sir, this is a clause which permits the veterinary assistant to seize an animal. It provides for seizure. Now, Sir, if it is necessary to provide for such a harsh measure as seizure, then in that case the person whose cattle is going to be seized ought to get a notice. But, Sir, the words which I am proposing to omit would permit a veterinary assistant to serve only a nominal notice, or rather discharge him from the liability of serving any notice at all on the owner of the animal seized, because it is said that where the notice cannot be served and the order cannot be communicated without any delay, in that case, he may seize the animal and take it without notice to the owner to say the least that ought not to be permitted. The person whose property is seized ought to get notice whatever may be the case.

Sir, next I beg to move that in lines 6 and 7 of the proviso to clause 8(*1*), for the words "such time as in the opinion of the veterinary assistant is reasonable" the words "reasonable time" be substituted.

Sir, I cannot understand why the framer of the Bill should fight shy of the words "reasonable time"? What is the necessity for saying "such time as in the opinion of the veterinary assistant is reasonable"? What is reasonable and what is not reasonable is easy to understand and in cases of doubt and conflict it will be for the court to interpret. What the sub-clause provides for is such an extraordinary thing as seizure and it contemplates many cases in which seizure may be effected. One of the cases is where the owner fails to comply with the order of removal within such time as in the opinion of the veterinary assistant is reasonable. The veterinary assistant may consider that three hours' notice is quite a reasonable notice, but why in law should that be the case? Law should make provision for reasonable time and not leave it to the sweet will of the veterinary assistant. "Reasonable time" should not therefore be qualified in any way by giving the veterinary assistant the power to issue any and every kind of notice and the time of notice should not be left to his discretion.

Further I beg to move that in line 8 of the proviso to clause 8(*1*), after the word "segregation" the words "within the union" be inserted.

Sir, the proviso provides for "segregation" but the place of segregation is not mentioned here. I propose that it must be a place within the union itself in which the owner of the cattle lives.

I also move that in line 5 of sub-clause (*2*) of clause 8, the word "any" be omitted.

I think the word "any" is superfluous. It should not be there.

Lastly, I beg to move that sub-clause (*4*) of clause 8, be omitted.

Sub-clause (4) runs thus: "Notwithstanding anything in sub-sections (1), (2) and (3), if the veterinary assistant, after due examination of any animal, certifies in writing that such animal is affected with any of such contagious diseases as may be prescribed in this behalf, he may destroy the animal or deal with it in such other manner as may be prescribed".

This is a power which is going to be given to the veterinary assistant over and above the other measures that he will be competent to take, viz., segregation, removal and even siezure. It is an extreme measure with which the veterinary assistant is going to be empowered. Let us see how in other countries such extreme measures are taken, with what caution, by what authority and with what provision for compensation.

Sir, in England there is a provision that cattle affected by plague have to be destroyed by the Ministry or in the case of other diseases at the instance of the Ministry, or by a local authority with the owner's approval, but not by a veterinary assistant, nor by any individual officer however highly placed. This is the provision (I read from Halsbury's Laws of England Vol. I. Re: Animals, page 610, section 1052). "The Ministry must slaughter all animals affected with cattle plague, and may, if they think fit, slaughter animals suspected of cattle plague or which have been in contact with animals so affected or in a place infected with cattle plague and (subject to Treasury Regulations) animals in a place in an infected area." Further "In the case of diseases other than cattle plague, the Ministry may direct and authorise slaughter by local authorities". A local authority must slaughter animals forthwith suffering from tuberculosis, but, if the owner objects, only with the authority of the Ministry". No one individual is authorised there to take away an animal or to slaughter it without the consent of the owner. Who are the local authorities so authorised? Not every veterinary assistant. "The local authorities responsible for carrying out most of the provisions contained in the orders of the Minister are the borough councils in boroughs with a population in 1881 of not less than 10,000, and elsewhere the country councils, except in the city of London, where the city corporation is the local authority so far as imported animals are concerned for the whole county of London." (Section 1056, page 612.)

Then as regards compensation, there in England slaughter is never carried out at the entire expense of the owner. Let me read section 1054. "Compensation is to be paid to persons whose animals are slaughtered for the common good. The rate varies according to the disease for the prevention of which the animal was slaughtered and according to whether the animal was actually affected with disease or not. When insurance is payable upon animals thus slaughtered, the insurers may deduct the amount of compensation received by the owner before they make the payment. Persons are liable to lose the whole or part of the compensation if, in the opinion of the Minister or the local authority, they have been guilty of an offence against the Act or the animal in question, being an imported animal, was diseased at the time of its landing". In section 1055, you find "Compensation for animals slaughtered by the Ministry and also the expenses of additional inspectors and valuers employed for the purposes of compensation are paid out of an account kept at the Bank of England called "The Cattle Pleuro-pneumonia Account for Great Britain".

You will find, therefore, that the provision for slaughter is not so lightheartedly made as has been made by the Ministry here which professes to have so much regard for the interests of tenants and poor peasants. I submit therefore, when there is no provision for compensation, nor any safeguard at all, Government should agree to delete this sub-clause altogether.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As regards amendment No. 3, it is really consequential to amendment No. 1. It includes both infected and affected by contact. Instead of the word

"infective", he has brought in "infected or affected by a contagious disease". It is merely a repetition. When the original amendment has been disallowed, this consequential amendment automatically falls. The object of the Bill is to segregate and also to remove animals not only those which are actually infected but also those which have come in contact with infected animals because they may develop the contagion and they may be as injurious and harmful to the animal population as the infected animals. So, Sir, there is no point in having this amendment passed.

As regards amendment No. 4, it seeks to substitute the word "segregate" in place of the word "remove". As it is, it is intended to remove the animal infected to such place of "isolation or segregation". Removal is for segregation. So, there is no point in repeating that.

Rai HARENDRA NATH CHAUDHURI: There is.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: For segregation, there is a separate clause, clause 4, which is explicitly for segregation. Here it is only segregating them after removal from place of infection. If it is necessary that they should be removed to some other place, then it will be done. That is the provision—not only to segregate the animals in the house itself but also to segregate them in some other place, if necessary.

As regards amendment No. 5, it will be impossible to give effect to the provisions of the Bill if one has to wait indefinitely for finding out the name and address of the owner. When such a notice could not possibly be served, it is no use waiting for weeks or months to find out the name and address of the owner. So, it has been put down that if it is found that it is not possible to find out the name and address within a reasonable time without undue delay, he may take action without such notice.

Rai HARENDRA NATH CHAUDHURI: Cattle lifting is going to be legalised.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: All laws attempt at the greatest amount of good to the largest number of people. At the cost of one or two men, we may be saving the entire village or the entire union.

As regards amendment No. 6, there may be difficulty in proving in a court of law as to what is reasonable time. We have made it more definite. Somebody must determine what is a reasonable time. The veterinary assistant dealing with the cattle situation is the best person to determine what is a reasonable time. So, it has been left to the decision of the veterinary assistant.

As regards amendment No. 7 the village affected may be within 5 cubit of another union. If it is necessary to segregate it 20 cubits beyond any union, it ought to be done. So we should not be hedged round with a condition like that "within the union". It is unnecessary and it might be unworkable in certain cases.

Then as regards the word "any" in amendment No. 8, it is considered by the honourable member to be redundant and altogether unnecessary but it means "expenses, if any" incurred for the purpose.

Then as regards amendment No. 9, no one would have been more glad than I if we could pay compensation for killing animals which have been suspected of contagious disease. But, Sir, as we are financially placed, we cannot all at once attempt to do what they have done in the advanced European countries after perhaps 100 years of progressive legislation. This is the first legislation we have in Bengal. Let us proceed and if we see after a time that a large number of animals are being killed, then in that case we will certainly make provisions by bringing in an amending Act

by which we could pay compensation to the person whose animals are killed. Sir, Rome was not built in a day and we cannot imitate the European countries all at once.

Mr. DHIRENDRA NATH DATTA: Sir, so far as amendment No. 9 is concerned, it is a serious amendment. It requires more anxious consideration and should not be placed in such a thin house. It gives power to the Veterinary Assistant to slaughter an animal.

Mr. DEPUTY SPEAKER: The reply has already been given by the Hon'ble Minister.

Rai HARENDRA NATH CHAUDHURI: Sir, it is an important motion. Voting may be held over.

Mr. DEPUTY SPEAKER: From this side nobody spoke in favour of the motion. So I invited the Hon'ble Minister to give a reply. Now there is no scope for you to reopen the subject.

Rai HARENDRA NATH CHAUDHURI: We only request you to hold over the division. The debate may be closed. At this late hour it will not be doing justice to the Opposition to ask them to divide in such a thin house.

Mr. DEPUTY SPEAKER: Let me come up to that motion and then I will consider.

The motion of Rai Harendra Nath Chaudhuri that in line 3, sub-clause (*1*) of clause 8 for the word "infective" the words "infected or affected by a contagious disease" be substituted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in line 1 of paragraph (*a*) of sub-clause (*1*) to clause 8 for the word "remove" the word "segregate" be substituted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in lines 3 and 4 of the *proviso* to clause 8(*1*) the following words be omitted, namely, "without undue delay, or the order cannot be communicated to him without undue delay" was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in lines 6 and 7 of the *proviso* to clause 8(*1*) for the words "such time as in the opinion of the Veterinary Assistant is reasonable" the words "reasonable time" be substituted was then put and lost

The motion of Rai Harendra Nath Chaudhuri that in line 8 of the *proviso* to clause 8(*1*) after the word "segregation" the words "within the union" be inserted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in line 5 of sub-clause (*2*) of clause 8 the word "any" be omitted was then put and lost.

Rai HARENDRA NATH CHAUDHURI: Sir, with regard to amendment No. 9 it is our request that this question should not be put tonight in this thin House.

Mr. FAZLUR RAHMAN: Sir, it will be a very bad precedent.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I submit it will be establishing a very bad precedent. The debate has been closed and the thing is going to be put to the House. You will be making a very bad precedent.

Rai HARENDRA NATH CHAUDHURI: Sir, we are not asking you to discontinue the House before 7 or even 7-30. I would only request you to put the motion to vote tomorrow.

Mr. DEPUTY SPEAKER: I would have been very glad to accept your suggestion but my difficulty is that at the time of the discussion you did

not bring it to my notice. Nobody from the Opposition rose to speak on that motion. I invited the Hon'ble Minister to give a reply and he has given a reply. Well, I think there is no scope left to reopen that subject. If I postpone it till tomorrow, you will have no scope to speak on this motion.

Rai HARENDRA NATH CHAUDHURI: We do not want to speak further on this motion but we want to have a division on this motion and there are precedents to withhold a division till the next day.

Mr. DEPUTY SPEAKER: I am sorry, I do not think it will be wise on my part to postpone a part of the motions on a certain clause.

The motion of Rai Harendra Nath Chaudhuri that sub-clause (*4*) of clause 8, be omitted was then put and lost.

The question that clause 8 stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 stand part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 stand part of the Bill was then put and agreed to.

Clause 15.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in line 1 of clause 15 the words "sells or" be omitted.

Sir, clause 15 runs as follows: "Whoever sells or attempts to sell or to transfer in any manner to another person any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of a first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees."

This is going to provide for punishment for sale or an attempt to sell even an infected animal—may not be known to be infected—and not simply an animal actually suffering from a contagious disease, but so called infective animal, i.e., an animal which has been in contact with or in close proximity to an animal suffering from a contagious disease. You will find in the definition that "infective" does not include simply infected animals but also animals suspected to have caught centagion being in close promimity to an infected animal. Even for an attempt to sell such an animal—apparently healthy at the time of sale—a person may be fined up to Rs. 500.

Now, Sir, in other countries in the matter of sale of animals it cannot be an offence on the part of the owner to sell an infective animal at all. The principle of *caveat emptor* works there. It is the buyer on whom is cast the responsibility of choosing the animal. It is the buyer who purchases at his risk. If the animal is infected or diseased he will suffer for

t and not the seller. That is the law in England. I am quoting from section 1031 of Halsbury's Laws of England, Volume I, page 599: "On the sale of an animal, whether suffering from an infectious or contagious disease or not, the maxim *caveat emptor* applies; thus where a person sent diseased pigs to market and refused to give any warranty, but stated that the animals must be taken "with all faults," the House of Lords decided that he was not liable for the damage caused thereby, even if he knew that the pigs were diseased, unless he was guilty of fraud. A declaration stating that the defendant knowingly caused a glandered horse to be sold by auction, whereby another horse of the purchaser was affected and died, was held to disclose no cause of action."

Here we are going to penalise a seller who may not even suspect that his cattle is suffering from any contagious disease or any disease at all, at that stage the disease may be latent in the animal without any external manifestation of it. The seller may genuinely believe that his cattle is not suffering from any disease at all. The cattle might have been in proximity to another cattle which probably was suffering from a disease, but the owner may be genuinely under the impression that it was not suffering from any disease. Still, if it is found after the cattle is transferred to the hands of the buyer that the cattle was infected, in that case the seller, contrary to the provision that obtains in England and such other countries, is going to be penalised. I submit, Sir, that this provision ought not to find place in the Bill. I would have proposed the deletion of the clause altogether, but I have only suggested that only the words "sells or" should be omitted, so that if before the actual transfer takes place it is found that the animal is suffering from any disease let the owner, the seller, be penalised, but, after the sale, if the animal develops any disease he should not be penalised but the loss and liability should be the buyer's; but under clause 15 as it stands the seller is going to be penalised even after the sale. Hence, I propose to omit the words "sells or" so that the liability of the seller will cease after sale.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, our object in providing this section is that we want to stop sales not only of infected animals but also sales of animals which have come in contact with animals which have been infected actually, because unless we can prevent sales of such animals we cannot prevent spread of contagious diseases; and whatever may be the law in other countries it is absolutely necessary—it is commonsense—that we should prevent persons from selling such animals which have come in close contact with or in close proximity to infected animals, and thereby prevent spreading the contagion. A person intending to sell an infected animal knowing it to be infected must be stopped, and with that object in view we have made this provision, and I think it is very good.

The motion of Rai Harendra Nath Chaudhuri that in line 1 of clause 15 the words "sells or" be omitted, was then put and lost.

The question that clause 15 stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 stand part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 stand part of the Bill was then put and agreed to.

Clause 19.

Rai HARENDRA NATH CHAUDHURI: Sir, I propose that the clause should not be agreed to or accepted by the House at all. The clause makes certain offences under the Act warrant cases. Why should they be warrant cases at all?. Prosecution can be launched against the offenders and they may be summoned. Why should not the veterinary assistant wait for bringing the offenders to the law court by the ordinary summons processes? Why warrants need be issued in the cases contemplated?

The question that clause 19 stand part of the Bill was then put and agreed to.

Clause 20.

The question that clause 20 stand part of the Bill was then put and agreed to.

Clause 21.

The question that clause 21 stand part of the Bill was then put and agreed to.

Clause 22.

The question that clause 22 stand part of the Bill was then put and agreed to.

Clause 23.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg formally to move that in line 3 of clause 23 the words "or intended to be done" be omitted.

Sir, it gives too much protection.

The motion was then put and lost.

The question that clause 23 stand part of the Bill was then put and agreed to.

Clause 24.

The question that clause 24 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bengal Diseases of Animals Bill, 1944, as settled in the Assembly be passed.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned at 7-35 p.m. till 4 p.m. on Thursday, the 23rd November, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 23rd November, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble MR. SYED NAUSHER ALI) in the Chair, 9 Hon'ble Ministers and 192 members.

Non-circulation of Questions and Answers.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, we find today that there has been no circulation of any questions for the day. Is it because of the strike in the Bengal Government Press?

Mr. SPEAKER: No, there are a large number of questions still remaining.

Mr. ATUL CHANDRA SEN: Mr. Speaker, I think it was understood and an assurance was given that questions left over would be recirculated.

Mr. SPEAKER: I do not think so.

STARRED QUESTIONS

(to which oral answers were given)

Appointment of doctors for emergency hospitals.

*28. **Mr. ABUL HOSSAIN AHMED:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) the number of doctors recently appointed for emergency hospitals throughout the Province; and

(ii) the number of them that are (1) Hindus, (2) Muslims and (3) Scheduled Castes?

(b) Is it a fact that inexperienced doctors have been appointed in preference to experienced doctors serving in the local bodies?

(c) If so, what steps do the Government propose to take in the matter?

(d) Will the Hon'ble Minister be pleased to state—

(i) the present number of Health Assistants specially appointed by the Government for epidemic work; and

(ii) the number of them that are (1) Muslims, (2) Hindus and (3) Scheduled Castes?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (a) A statement is laid on the Table.

(b) No.

(c) None.

(d)(i) 967.

(ii)(1) Muslims 488, (2) Caste Hindus 354 and (3) Scheduled Castes 125.

Statement referred to in clause (a) to starred question No. 28.

Name of district.	Doctor appointed.	Hindus.	Muslims.	Scheduled Castes.
1. Burdwan	2	1	..	1
2. Chittagong	41	23	16	2 (Buddhists).
3. Comilla	19	17	2	..
4. Faridpur	11	10	1	..
5. Dacca	39	36	2	1
6. Howrah .. .	9	9	..	..
7. Midnapore	39	37	1	1 (Indian Christian).
8. Murshidabad	19	16	3	..
9. Mymensingh	13	10	3	..
10. 24-Parganas . ..	12	12	..	..
11. Noakhali . ..	7	3	4	..
12. Rangpur . ..	8	8	..	..
13. Bankura	3	2	..	1
14. Birbhum	2	2	.	..
15. Barisal	8	6	1	1
16. Bogra	1	1		..
17. Darjeeling ..		No Doctor.		
18. Dinajpur . ..	4	3	1	..
19. Jalpaiguri .. .	1	1	.	..
20. Hooghly	5	5		..
21. Jessore . ..	4	4	.	..
22. Khulna .. .	2	2		.
23. Malda . .		No Doctor.		
24. Nadia	4	3	1	.
25. Pabna ..	6	5	1	
26. Rajshahi . .	1	1	.	..
	260	217	36	7

Rai Sahib MONOMOHAN DAS: With reference to answer (*a*), where the number of doctors from the Scheduled Castes is practically nil, will the Hon'ble Minister be pleased to state the reason thereof?

Khan Sahib HAMIDUDDIN AHMAD: There were no suitable candidates.

Rai Sahib MONOMOHAN DAS: Will the Hon'ble Minister be pleased to state if the Government made any attempt to give wide publicity so that a good number of candidates might apply?

Khan Sahib HAMIDUDDIN AHMAD: Government did not make any particular attempt to find out Scheduled Caste candidates but applications were called for.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state how many Scheduled Caste candidates applied for respective posts for doctors and health assistants?

Khan Sahib HAMIDUDDIN AHMAD: Government is not aware of any case of Scheduled Castes being overlooked.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state the basis on which he says that suitable candidates from the Scheduled Castes were not available?

Khan Sahib HAMIDUDDIN AHMAD: Government did not receive any complaint from any Scheduled Caste candidate that his case had been overlooked.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state why no doctor was appointed in Dinajpur and Malda districts?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister be pleased to state whether these appointments were made locally, and if so, by whom?

Khan Sahib HAMIDUDDIN AHMAD: The Civil Surgeon made all these appointments.

Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister be pleased to issue instructions to the Civil Surgeons through the Head of the Department to ask District Board Chairmen as well as Secretary, District Muslim League, for Muslim candidates while making these appointments?

Khan Sahib HAMIDUDDIN AHMAD: The suggestion of the honourable member will receive consideration of the Government

Mr. SASANKA SEKHAR SANYAL: Arising out of the last question, will the Hon'ble Minister be pleased to consider the desirability of consulting not only the Secretary of the Muslim League but all representatives of all organisations including M.L.C's and M.L.A's.

Khan Sahib HAMIDUDDIN AHMAD: The suggestion will have due consideration of Government.

Condition of High Schools in Calcutta.

***29. Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the Table a statement showing with regard to High Schools (aided and unaided) in Calcutta, for the period 1941-42—

(*i*) the total number of schools which have ceased to function;

(*ii*) the total number of fall in the roll strength of students;

(*iii*) the total amount of fall in the income of schools;

(*iv*) the total number of teachers who were thrown out of employment; and

(*v*) the total amount withdrawn from the Reserve Fund of Schools?

(*b*) Will the Hon'ble Minister be pleased to state whether mufassal schools have been hard hit owing to abnormal increase in prices of foodstuffs affecting payment of tuition fees on which these schools mainly depend for their existence?

(*c*) If so, will the Hon'ble Minister be pleased to state whether any financial help has been rendered, or is proposed to be rendered to high schools, both in Calcutta and in the mufassal?

Khan Sahib Maulvi MAFIZUDDIN AHMED (on behalf of the Hon'ble Mr. Tamizuddin Khan): (*a*)(*i*) Accurate figures are not available as schools were closed from January to March, 1942, by the order of the University pending adoption of protective measures but in July, 1942, sixty-six schools were not functioning.

(*ii*) 22,022 in August, 1942.

(*iii*) Rs.1,23,000 during financial year 1941-42.

(*iv*) 510.

(*v*) Rs.83,000 approximately up to September, 1942.

(*b*) Yes.

(*c*) Government have sanctioned a scheme for some financial assistance to meritorious and poor students of secondary schools for meeting their educational expenses.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state what is the amount involved in the scheme just sanctioned?

Khan Sahib Maulvi MAFIZUDDIN AHMED: For schools and colleges Rs. 3 lakhs for three months, Rs. 1 lakh for each month, and so far as the schools are concerned Rs. 33,000 per month.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state why the teachers have been ignored?

Khan Sahib Maulvi MAFIZUDDIN AHMED: The teachers have been given dearness allowance at the rate of Rs. 5 per month.

Mr. P. BANERJI: Is the dearness allowance still continued or was it given in lump for the time being?

Khan Sahib Maulvi MAFIZUDDIN AHMED: It is being continued now.

Mr. ATUL CHANDRA SEN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether the scheme in question has been published?

Khan Sahib Maulvi MAFIZUDDIN AHMED: Yes, it was duly published in papers.

Mr. ATUL CHANDRA SEN: In which paper please?

Khan Sahib Maulvi MAFIZUDDIN AHMED: I remember to have seen it in some papers; I do not remember exactly in which paper.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to consider the desirability of laying a copy of the scheme on the Library Table?

Khan Sahib Maulvi MAFIZUDDIN AHMED: If the members desire it can be done.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state whether arrangements have been made for the education of 22,000 pupils who have apparently left school according to reply (*a*)(*ii*)?

Khan Sahib Maulvi MAFIZUDDIN AHMED: It was only a temporary measure during the period of panic when schools were closed down—only for three months, January to March—and after the schools reopened many of the students came back and the schools also reopened.

Sj. NARENDRA NATH DAS GUPTA: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to state the number of schools that are functioning? We get that 56 schools were not functioning in July, 1942.

Khan Sahib Maulvi MAFIZUDDIN AHMED: I want notice, but I can tell my honourable friend that in July, 1941, *i.e.*, the previous year 171 schools were functioning including 17 European schools.

Trade disputes.

*30. **Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of Commerce, Labour and Industries Department be pleased to lay on the Table, a statement showing—

(*i*) the number of trade disputes in 1943;
(*ii*) the total number of workers involved in the trade disputes;
(*iii*) the number of trade disputes handled by the Labour Commissioner;
(*iv*) the number of trade disputes settled amicably by the Labour Commissioner;
(*v*) the number of trade disputes that led to strikes or stoppage of work;

(*vi*) the total number of workers involved in these strikes or stoppage of work;

(*vii*) the total number of working days lost due to strikes in 1943; and

(*viii*) the total number of working days lost due to lock-out or closing of factories by employers?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) how many of the total trade disputes were due to demand for adequate dearness allowance; and

(*ii*) what rates of dearness allowance were recommended by the Labour Commissioner?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (*a*)—

		Strikes and lock-outs.	Individual disputes.	Total.
(*i*)	..	215	1,221	1,436
(*ii*)	..	171,047	363,477	534,524
(*iii*)	..	132	1,221	1,353
(*iv*)	..	127	*457	854
(*v*)	..	215	..	215
(*vi*)	..	171,047	..	171,047
(*vii*)	..	560,646	..	560,646
(*viii*)	..	13,850	..	13,850
(*b*) (*i*)	..	142	131	273

(*ii*) No standard rate was recommended by the Labour Commissioner. In cases in which he did make recommendations, the rates depended on the peculiar feature of each case

Sj. NARENDRA NATH DAS GUPTA: There were 215 disputes of which 127 were amicably settled. Will the Hon'ble Minister be pleased to state what was the fate of the other disputes?

The Hon'ble Mr. K. SHAHABUDDIN: I ask for notice.

*In addition to 457 disputes under column 2, 764 disputes were also enquired into and the workers could not prove their cases.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Babu Suresh Chandra Das Gupta, a security prisoner.

11. Mr. J. N. Gupta: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government have received any memorial from the wife of security prisoner Babu Suresh Chandra Das Gupta praying for increasing the allowance?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any action has been taken on the memorial?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that security prisoner Babu Suresh Chandra Das Gupta is confined to bed on account of illness?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what is the present state of health of Suresh Babu?

(*e*) Will the Hon'ble Minister be pleased to state whether Suresh Babu's case is being examined by the Government for release?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The allowance was increased to Rs.75 per month and the prisoner has since been released.

(*c*) to (*e*) Do not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the number of dependants of Babu Suresh Chandra Das Gupta?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the additional allowance that was granted?

Khan Bahadur MOHAMMED ALI: Rs. 50 per month.

Family allowance to security prisoner Sj. Gouri Sen.

12. Mr. KAMAL KRISHNA ROY: (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that Sj. Gouri Sen of Murshidabad district, kept in detention as security prisoner since the 24th March, 1942, made several petitions for adequate family allowance for his dependants consisting of his widow-mother, a minor brother and an unmarried sister; and

(*ii*) that the said security prisoner besides maintaining his family members used to meet other monetary obligations such as instalments of Bank dues, dues for their mortgaged house and taxes for land and such other things?

(*b*) If the answer to (*a*)(*i*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for not sanctioning adequate allowance for his family members?

(*c*) If the answer to (*a*)(*i*) is in the negative, do the Government propose to enquire into the matter?

(*d*) If the answer to (*a*)(*ii*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking into account these facts while sanctioning the allowance?

(*e*) If the answer to (*a*)(*ii*) is in the negative, do the Government propose to enquire into the matter before sanctioning the allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) Yes.

(*ii*) and (*c*) No.

(*b*) An allowance of Rs.15 per month has been sanctioned for the mother of the security prisoner from 1st April, 1943, who has since been released.

(*c*) and (*d*) Do not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why the minor brother and the unmarried sister were not taken into consideration while granting allowance?

Khan Bahadur MOHAMMED ALI: I ask for notice

Mr. NISHITHA NATH KUNDU: In view of the answer just now given that he does not know how this allowance was calculated, does the Hon'ble Minister think it desirable to look into the matter and to revise the allowance, so that his minor brother and unmarried sister who are his dependants may also get some allowance?

Khan Bahadur MOHAMMED ALI: The prisoner has been released.

Persons detained under rule 26 of the Defence of India Rules.

13. Mr. PRATUL CHANDRA GANGULI: Will the Hon'ble Minister in charge of the Home Department be pleased to state the present number and names of the prisoners detained under rule 26 of the Defence of India Rules—

(*a*) in respect of whom orders for detention under rule 26 were issued forthwith on the recommendation of the police pending receipt of further and detailed materials from the police;

(*b*) in respect of whom His Excellency the Governor of Bengal has been personally satisfied before the order of detention was passed; and

(*c*) in respect of whom His Excellency the Governor of Bengal has not been personally satisfied before the order was passed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to give the names and particulars asked for in the public interest. But I am prepared to state that no one is now under detention, in whose case His Excellency has not been personally satisfied as to necessity for detention.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us, if he is so prepared, the number of prisoners detained under the Ordinance?

Khan Bahadur MOHAMMED ALI: The number of prisoners detained under the Ordinance on 7th November, 1944, was 1,286.

Alleged differential treatment of classified, unclassified and security prisoners in Jail Hospitals.

14. Mr. RADHANATH DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state -

(*i*) whether in Jail Hospitals classified, unclassified and security prisoners are treated differentially according to their classification;

(*ii*) whether in the Alipore Central Jail Hospital security prisoners are treated for dental diseases by expert dentists; and

(*iii*) whether in case of other prisoners such treatment for dental diseases is available?

(*b*) Is the Hon'ble Minister also aware—

(*i*) that division III prisoners coming to the hospital for observation do not get anything except barley water in the afternoon;

(*ii*) that the classified prisoners generally get extra milk, sugar, etc., under the similar circumstances; and

(*iii*) that under the same condition of diseases the extra allowance of diet on medical ground given to the classified prisoners is not given to the division III prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) No.

(*ii*) Yes.

(*iii*) Yes, but they are sent to the Dental Department of the Medical College Hospitals, if required.

(*b*) No.

Detention of certain security prisoners.

15. Mr. NIHARENDU DUTT MAZUMDAR: With reference to the reply given to starred question No. 51 on 20th September, 1943, will the Hon'ble Minister in charge of the Home Department be pleased to state under what authority of law those prisoners are now being detained?

The Hon'ble Khwaja Sir NAZIMUDDIN: These prisoners are now being detained under the authority of the Restriction and Detention Ordinance, 1944 (Ordinance III, 1944).

Acquirement of lands in villages Shibpur and Majlisipur in police-station Feni.

16. Maulvi MD. IBRAHIM: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that the lands in villages Shibpur and Majlisipur within Feni police-station, in the district of Noakhali, have been acquired for landing purposes in Feni Cross aerodrome?

(*b*) Is it a fact that many applications have been filed before the Sub-divisional Officer drawing his attention to the fact that wrong persons in collusion with some officers of the Evacuation Office have drawn money—while the actual owners of the lands have been deprived?

(*c*) Have the Government taken any steps in this direction to stop the corruption?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): It is regretted that this information cannot be supplied in the interests of security.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any lands in villages Shibpur and Majlisipur were requisitioned under section 75A of the Defence of India Rules?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if with regard to the lands that have been requisitioned under section 75A of the Defence of India Rules there have been any complaints as laid down in clause (*b*)?

The Hon'ble Mr. TARAK NATH MUKERJEA: Only one complaint was received from one Ali Mea of North Shibpur, which was filed on the 22nd April, 1944. This was first enquired into by the Subdivisional Officer on the spot and more detailed enquiry was subsequently held. No other complaints have been received.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if the actual owners who were deprived have been paid their compensation?

The Hon'ble Mr. TARAK NATH MUKERJEA: Compensation has been paid to the actual owners.

Number of Muslim Officers, Head Assistants and clerks in the Board of Revenue.

17. Mr. SHAH SYED GOLAM SARWAR HOSAINI: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(1) how many of the officers including the Head Assistants of the Board of Revenue, Bengal, were Muslims during the last 15 years;

(2) how many Upper Division clerks—(*a*) permanent, (*b*) temporary and officiating are there at present in that office;

(3) how many of them are—(*a*) Muslims, (*b*) Hindus, and (*c*) Scheduled Castes; and

(4) how many of them are on extension and why?

The Hon'ble Mr. TARAK NATH MUKERJEA: (1) Nil.

(2) (*a*) 10 and (*b*) 3.

(3) (*a*) 3, (*b*) 10 and (*c*) nil.

(4) Nil.

Appointment of District Health Officer, Pabna.

18. Mr. MD. ABDUR RASHEED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(*i*) that the Commissioner of the Rajshahi Division has refused to accord his approval to the appointment of the District Health Officer, Pabna;

(*ii*) that he has called upon the District Board to re-advertise the post; and

(*iii*) that the Commissioner has not stated the reasons in so refusing the approval?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) Yes.

(*b*) The Commissioner was satisfied on reports received by him that the work of the Health Officer was not satisfactory and that he was otherwise unsuitable for the post

Maulvi MUHAMMAD ISRAIL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether there was a report by the Military Health Officer for Pabna and Rajshahi as to the suitability and also the competence of this Health Officer?

Khan Sahib HAMIDUDDIN AHMAD: Yes, he reported that the work of the Health Officer has been satisfactory.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether there was a report by the Assistant Director of Public Health, Rajshahi Division, that the work of the Health Officer of Pabna has been satisfactory?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Appointment of District Health Officer, Pabna.

19. Maulvi AZHAR ALI: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the post of District Health Officer of Pabna has been permanently filled up?

(*b*) Is it a fact—

(*i*) that the District Board appointed one Health Officer permanently only a few months ago;

(*ii*) that he has been wroking without any complaints; and

(*iii*) that the said appointment has not yet been approved by Government?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) and (*b*)(*i*) On the 29th January, 1943, the District Board of Pabna passed a resolution appointing a Health Officer.

(*ii*) No; reports were received by the Commissioner that the work of the Health Officer was not satisfactory.

(*iii*) Government have delegated their power of approval under proviso (*1*) to section 33(*1*) of the Local Self-Government Act to Divisional Commissioners. In exercise of the delegated power the Commissioner did not approve the appointment.

(c) The Commissioner was satisfied on report received by him that the work of the Health Officer was unsatisfactory and that he was otherwise unsuitable for the post.

Number of employees in Jute Regulation Department.

20. Maulvi MD. ABDUL HAKIM VIKRAMPURI: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to lay on the Table a statement showing—

(a) the present total number of employees (excepting menials) in the Department of the Jute Regulation; and

(b) the present number of vacancies in the grade of the following officers, namely,—

(1) Deputy Controller,
(2) Assistant Controllers,
(3) Chief Inspectors,
(4) Inspectors-in-charge,
(5) Inspectors,
(6) Assistant Inspectors,
(7) Propaganda Officers,
(8) Propaganda Assistants,
(9) Primary Licensing Assistants,
(10) Clerks, in the head office at Survey Buildings, Alipore,
(11) Clerks in the districts,
(12) Camp Assistants?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (a) 8,400.

(b) (1) Nil.
(2) 2.
(3) 2.
(4) Nil.
(5) 8.
(6) and (7) 107.
(8) and (9) 113.
(10) Nil.
(11) Nil.
(12) 51.

STARRED QUESTIONS

(to which oral answers were given)

Accommodation in Alipore Central Jail Hospital.

***31. Mr. RADHANATH DAS:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether at present there has been an increase in jail population in the Alipore Central Jail?

(b) If so, will the Hon'ble Minister be pleased to state—

(i) whether there has been a proportionate increase in the expenditure in medicines;

(ii) whether accommodation for more patients has been arranged in the Alipore Central Jail; and

(iii) whether the capacity of the Jail Hospital is 100;

(iv) whether patients numbering about 250 have been accommodated; and

(v) whether the patients are suffering for this?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) No.

(b) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the total accommodation of prisoners in the Alipore Central Jail and what has been the maximum number of prisoners kept in the jail on one day during last year?

Khan Bahadur MOHAMMED ALI: The registered accommodation is for 1,377 prisoners. So far as this question is concerned, there has not been any recent increase, but the number of prisoners in the Alipore Jail is more than the registered number.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether there are any unregistered or extra beds provided in the Alipore Jail hospital?

Khan Bahadur MOHAMMED ALI: The maximum number of beds provided in the Alipore Jail hospital is 104 and the maximum accommodation available in the jail is for 1,377 persons.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state if he is aware that when there is an increase in the number of patients extra beds are put in this hospital hall?

Khan Bahadur MOHAMMED ALI: That question applies to jail. The honourable member asked about accommodation in the hospital where there are 104 beds. Dr. Sanyal is asking what is the accommodation in the jail whereas your question relates to accommodation in the hospital.

Dr. NALINAKSHA SAYAL: Will the Hon'ble Minister be pleased to state when this question was received and when the answer thereto was ready?

Khan Bahadur MOHAMMED ALI: I think in September, 1943.

Mr. SPEAKER: This question was received on the 14th September, 1943, and the answer was received on the 17th August, 1944.

Dr. NALINAKSHA SANYAL: With reference to the question whether at present there has been any increase in jail population in the Alipore Central Jail, will the Hon'ble Minister be pleased to state if he is aware that the period referred to therein is September, 1943?

Khan Bahadur MOHAMMED ALI: Yes, Sir. And the answer also applies to that period.

Dr. NALINAKSHA SANYAL: When the answer was given it was October, 1944.

Khan Bahadur MOHAMMED ALI: No, it was August, 1944.

Dr. NALINAKSHA SANYAL: What was the position in September, 1943, when the question was actually received in the Department?

Khan Bahadur MOHAMMED ALI: I have already stated that the number of prisoners in Alipore Central Jail is in excess of the accommodation registered. That has been so for a number of years.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what was the number then—in September, 1943?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SPEAKER: To all these questions you must fix a date, otherwise it becomes difficult.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the maximum number of patients treated in the Alipore Central Jail in any one day in the current year?

Khan Bahadur MOHAMMED ALI: The average number of patients treated is 70·6 and the maximum that was reached on one day is 90, and the capacity is 104 beds.

Mr. RADHANATH DAS: Will the Hon'ble Minister be pleased to state what was the number of prisoners in the two wards where under-trial prisoners are kept?

Khan Bahadur MOHAMMED ALI: I want notice

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state how accommodation is made available for extra prisoners who are put in jail?

Khan Bahadur MOHAMMED ALI: Arrangements are there to accommodate excess number of prisoners.

Sj. NARENDRA NATH DAS GUPTA: What are the arrangements made?

Khan Bahadur MOHAMMED ALI: If you want details, I would ask for notice.

Mr. SPEAKER: That is too vague a question.

Dr. NALINAKSHA SANYAL: With reference to answer (a)(v), is the Hon'ble Minister aware that the security prisoner, Madan Gopal Joshi, was not accommodated in the jail hospital on the ground that there was no accommodation available?

Khan Bahadur MOHAMMED ALI: Government's information is otherwise. As I have already stated, the maximum capacity is 104 and the maximum number of prisoners in the hospital on one day was 90.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there is a system of segregation in the jail hospital so that prisoners of different classes may not be kept in the same room or same ward thereby reducing the capacity of the jail hospital?

Khan Bahadur MOHAMMED ALI: I ask for notice

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether he is aware that the experience of non-official visitors is that people are huddled together in one room?

Khan Bahadur MOHAMMED ALI: Government have no such information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why was it that Sj. Madan Gopal Joshi could not be accommodated in the jail hospital?

Khan Bahadur MOHAMMED ALI: How does Madan Gopal Joshi come in here, Sir?

Mr. SPEAKER: You may not answer that question if you do not know.

Dr. NALINAKSHA SANYAL: Sir, he answered the question two minutes ago.

Khan Bahadur MOHAMMED ALI: No, I did not.

Dr. NALINAKSHA SANYAL: Do you know that he died in the ward and not in the jail hospital?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Family allowance of Sj. Priya Ranjan Das Gupta, a security prisoner.

***32. Mr. NIHARENDU DUTT MAZUMDAR:** (*a*) With reference to the reply to starred question No. 84, is the Hon'ble Minister in charge of the Home (Jails) Department aware—

(*i*) that Sj. Priya Ranjan Das Gupta, prior to his arrest and detention on the 5th December, 1941, was living in Calcutta with his widowed old mother who was dependent on him;

(*ii*) that of the other members of his family, his only other brother is a village school master with a small income and has his own wife and children to maintain;

(*iii*) that his uncle, who is on war service, has his own family consisting of his wife, two grown-up unmarried daughters and a son of school-going age;

(*iv*) that the uncle's remittance of Rs.100 only per mensem is solely absorbed for the purpose of maintenance of his own family and for expenses of education of his children, marriage of his daughters and for provision of medical treatment, etc., in the event of illness and other emergency;

(*v*) that the mother who was solely dependent on the security prisoner is passing through real hardship and is left without any resources of her own as a result of the detention of her son; and

(*vi*) that the mother of Sj. Das Gupta was granted a monthly maintenance allowance by Government during his previous period of detention between 1933 and 1938?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of reconsidering the question and granting an adequate family allowance to the mother of Sj. Das Gupta?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*), (*ii*) and (*vi*) Yes.

(*iii*) Yes. But the prisoner's mother and sister are reported to be living in the same joint family with the wife and children of his uncle.

(*iv*) It is reported that the uncle remits Rs.180 per month out of which Rs.30 is earmarked for the family and the balance is kept deposited for the marriage expenses of his daughters.

(*v*) A family allowance of Rs.40 per month has been sanctioned by Government to the prisoner's mother with effect from 1st April, 1943.

(*b*) Does not arise.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state when the mother of this prisoner applied for this allowance and when was it granted?

Khan Bahadur MOHAMMED ALI: The allowance was sanctioned by the present Ministry.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state when was the application for allowance made and when was it granted?

Khan Bahadur MOHAMMED ALI: I ask for notice, but I may state that the allowance granted to the mother during the prisoner's previous detention was Rs 10 only per month.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state if that was the maximum allowance that Sir Nazimuddin fixed when he was Minister previously?

(No answer.)

Withholding of certain letter and telegram by the Intelligence Branch.

*33. **Mr. PRATUL CHANDRA GANGULI:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether a telegram, dated the 29th December, 1943, and a letter, dated the 30th December, 1943, sent by Mr. Pratul Chandra Ganguli, M.L.A., a State prisoner, to Mr. Sarat Chandra Bose, M.L.A., Leader of the Congress Parliamentary Party in the Bengal Legislative Assembly, now detained in Conoor, Madras, condoling the death of his mother, have been withheld by the Intelligence Branch of the Government of Bengal?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(c) Is the Hon'ble Minister considering the desirability of passing those letter and telegram of condolence to Mr. Sarat Chandra Bose?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) Yes, but the letter was dated the 29th December, 1943, and not the 30th December, 1943.

(b) Under the principles laid down by the Government of India, correspondence between security prisoners detained in different provinces is not permissible.

(c) No.

Mr. ATUL CHANDRA SEN: With reference to answer (b), do we understand that these principles definitely forbid even offering of condolence to fellow security prisoners?

Khan Bahadur MOHAMMED ALI: I would refer the honourable member to answer (b).

Family allowance for Sj. Pannalal Mitra, a security prisoner.

*34. **Mr. NIKUNJA BEHARI MAITI:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(i) whether Sj. Pannalal Mitra, arrested on the 13th January, 1942, is still detained as a security prisoner in the Presidency Jail, Calcutta;

(ii) whether, before his arrest, he had an income from a business in partnership with Dr. Sudhir Chaudhury of 137, Bowbazar Street, Calcutta;

(iii) whether his widowed sister-in-law applied early in 1942 for a family allowance, but that petition was rejected in November, 1942;

(iv) whether the Home Department has received any petitions from Sj. Mitra himself for a suitable family allowance on the 23rd September, 1942, 8th March, 1943, 3rd June, 1943, and again on 2nd July, 1943; and

(v) whether a reply was sent to him on the 15th September, 1943, intimating that his case is being considered?

(b) If the answer to (a)(v) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has since then been taken on the reminders written by Sj. Mitra to the Department on the 12th October, 1943, 20th November, 1943, and 16th December, 1943?

(c) Is the Hon'ble Minister considering the desirability of granting him a suitable monthly allowance as early as possible without any further delay with retrospective effect from the date of his arrest, specially in view of these hard days of high prices and economic distress?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) (i) and (iii) Yes.

(ii) My information is that he used to get from Rs.40 to Rs.50 per month from Dr. Sudhir Chaudhury whom he helped in securing contract.

(*iv*) and (*v*) The petitions were received but a reply was sent to him on 31st December, 1943, intimating that his prayer for family allowance was rejected by Government.

(*b*) Does not arise.

(*c*) No.

NISHITHA NATH KUNDU: In view of the answer (*a*)(*iv*), will the Hon'ble Minister be pleased to state why the petition for allowance was rejected?

Khan Bahadur MOHAMMED ALI: The security prisoner is unmarried and has no dependant. His elder brother with whom the family lives earns Rs. 145 per month *plus* a dearness allowance of Rs. 16 from the Bengal and Assam Railway.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if it is not a fact that the policy with regard to granting family allowance to a detenu is to grant such money as the family has been deprived of owing to his detention?

Khan Bahadur MOHAMMED ALI: The family has not been deprived of any income on account of his detention. He is unmarried, has no dependent and he never maintained any family.

Mr. SURENDRA NATH BISWAS: Then in that case, are we to take it that an unmarried detenu cannot earn money and cannot help his family with his income?

Khan Bahadur MOHAMMED ALI: But, as I said, he had no family to maintain

Mr. SPEAKER: That is a hypothetical question which you need not answer.

Mr. SURENDRA NATH BISWAS: Do we understand that an unmarried detenu has got no family?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have enquired if this detenu was earning any money of which the family has been deprived by his detention?

Khan Bahadur MOHAMMED ALI: I have already stated that he used to earn Rs. 40 to Rs. 50 per month but had no family to maintain.

Transfer of Babu Gobindo Charan Kar, a security prisoner, from Buxa Special Reserve Jail on grounds of health.

*35. **Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Babu Gobindo Charan Kar of Dacca detained as a security prisoner in the Buxa Special Reserve Jail has been suffering from chronic leprosy, asthma and diabetes;

(*ii*) that the climate of Buxa is not at all suitable for asthma patients; and

(*iii*) that the Medical officer, Buxa Special Reserve Jail, has recommended his transfer on medical ground, to any dry place?

(*b*) If the answer to (*a*) is in the affirmative, whether he is considering the desirability of granting effect to the recommendation?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) He has been suffering from chronic asthma and anæsthetic type of closed leprosy only.

(*ii*) and (*iii*) Yes.

(*b*) Orders have since been issued for his transfer to the Midnapore Central Jail which is considered to be a dry place.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state what step Government has taken towards the treatment of this prisoner?

Khan Bahadur MOHAMMED ALI: Proper medical treatment is being accorded to him.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether there is any arrangement in the Midnapore Central Jail for treatment of leper cases?

Khan Bahadur MOHAMMED ALI: I ask for notice. Presumably there is arrangement.

Dr. ABDUL MOTALEB MALIK: There is no arrangement.

Mr. NISHITHA NATH KUNDU: In view of answer (*a*) (*iii*), does the Government think it desirable to release the security prisoner?

Khan Bahadur MOHAMMED ALI: No, Sir. He has been transferred to Midnapore which is a dry place.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state the condition of this security prisoner after he has been transferred to the Midnapore Central Jail?

Khan Bahadur MOHAMMED ALI: If the honourable member wants a report I will have to ask for notice.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Restriction order on Sj. Prankumar Sen of Barisal.

***36. Sj. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Sj. Prankumar Sen, M.A., Headmaster, Kashipur High English School, of Barisal, was arrested on the 8th October, 1942, under section 129 of Defence of India Rules;

(*ii*) that he was detained in the Barisal Jail from the 8th October, 1942, to the 15th June, 1943, under 26(*1*)(*b*)(*5*) of the said Rules;

(*iii*) that he was released from jail on the 16th June, 1943;

(*iv*) that he has been served with restriction order, disabling him to join the school;

(*v*) that he has no other means for earning his livelihood;

(*vi*) that family allowance of Rs.40 per month granted for the period of his detention in jail, has been discontinued since his release from jail;

(*vii*) that the whole family has been deprived of any source of livelihood;

(*viii*) that he petitioned several times to the Government of Bengal for allowances; and

(*ix*) that the Superintendent of Police in his letter, dated the 11th August, 1943, No. 7912/137-42, informed Sj. Prankumar Sen that allowance had been recommended?

(*b*) If the answer to (*a*)(*ix*) is in the affirmative, will the Hon'ble Minister be pleased to state what actions, if any, Government have taken or propose to take in the matter?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) to (*iii*) and (*vi*) Yes.

(*iv*) An order directing him to reside in his house at Alekanda Road has been served on him.

(*v*), (*vii*) and (*ix*) I have no information.

(*viii*) Petitions for the continuance of the allowance at enhanced rate were made to Government.

(*b*) An allowance of Rs.40 per month has been sanctioned from the 16th April, 1943.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state on what date this order was issued sanctioning Rs. 40 per month as allowance?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that a letter was sent to him by M.L.A. Sj. Narendra Nath Das Gupta to the Parliamentary Secretary, Khan Bahadur Mohammed Ali, explaining the whole situation and also giving a copy of the letter of the Superintendent of Police and will the Hon'ble Minister be pleased to state whether he is aware of this fact?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether in that letter it was stated that the wife of this prisoner has been ailing from anaemia and that the medical officer has advised that she should be given better treatment and better food?

Khan Bahadur MOHAMMED ALI: That is why even though this prisoner is not detained in jail allowance has been granted by Government.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that at the time when an allowance of Rs. 40 was granted to him when he was in jail, the prices of foodstuffs and other necessaries of life had gone up 200 or 300 per cent.?

Khan Bahadur MOHAMMED ALI: I cannot say to what per cent. the prices have gone up, but it is true that the prices had gone up but the prices are falling now.

Sj. NARENDRA NATH DAS GUPTA: In view of the fact that the prices at present are at least 200 per cent. of what it was before, will the Hon'ble Minister be pleased to consider increasing the allowance of this prisoner?

Khan Bahadur MOHAMMED ALI: Sir, the allowance of Rs. 40 per month is on compassionate grounds even though the prisoner is not detained in jail.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether this prisoner is not even now debarred from having any earning?

Khan Bahadur MOHAMMED ALI: He is not debarred from earning.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what was the salary this gentleman was drawing when he was the Head Master, Kashipur High School?

Khan Bahadur MOHAMMED ALI: Sir, I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), (*v*), (*vii*) and (*ix*), will the Hon'ble Minister be pleased to state whether Government cared to have the information in question?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state now on what basis this Rs. 40 was fixed as his allowance when he did not know the amount of salary he was drawing as a Head Master?

Khan Bahadur MOHAMMED ALI: This was the amount which was sanctioned to him when he was in detention and the same amount is being paid to him even though he has been released.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please state whether there is any restrictions on that gentleman?

Khan Bahadur MOHAMMED ALI: Yes, Sir. He is ordered to reside at his house at Alekanda Road.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please state whether by imposing this sort of restriction, Government has debarred the gentleman from earning a livelihood?

Mr. SPEAKER: That is a question of opinion I disallow that.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that restriction has been placed upon him from not joining the school of which he is the Head Master?

Khan Bahadur MOHAMMED ALI: The only restriction is with regard to his residence.

Sj. NARENDRA NATH DAS GUPTA: Does the Hon'ble Minister think that he can join the institution as Head Master as previously?

Khan Bahadur MOHAMMED ALI: Without infringing the order wherein it is stated that he is not to make any political contact.

Sj. NARENDRA NATH DAS GUPTA: In view of the answer just now given that the Government did not take into consideration the salary he was drawing and that the Parliamentary Secretary was not ready to answer——

Mr. SPEAKER: That is argument. You put your question straightaway.

Sj. NARENDRA NATH DAS GUPTA: Does the Hon'ble Minister think it desirable to enquire as to how much he was drawing as Head Master and revise the scale of grant for allowance?

Khan Bahadur MOHAMMED ALI: If the honourable member desires, an enquiry can be made as to what his salary was or what was his earning before his arrest.

Alleged Dinajpore Jail incident.

***37. Mr. NISHITHA NATH KUNDU:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home (Jails) Department been drawn to the remarks made by an M.L.A., relating to an incident in the Dinajpur

Jail on the 21st of September, 1943, on a cut motion regarding the demand of Grants for Jails and Convict Settlements and reported at pages 90 and 91 of Volume LXVI, No. 2, of the Assembly proceedings?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether any enquiry has been made into the complaint;

(*ii*) if so, what is the result of the enquiry; and

(*iii*) what steps, if any, have been taken in the matter?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*)(*i*) Yes.

(*ii*) and (*iii*) A detailed enquiry was held by the Superintendent, Dinajpur Jail, but there was no proof that the incident really happened.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that the person concerned was examined by the Visitors' Board in the presence of the District Magistrate, Superintendent of Police, Khan Sahib Syed Tajammal Ali, a jail visitor, and it transpired that this incident happened and this was recorded in the visitors' book?

Khan Bahadur MOHAMMED ALI: Sir, I am not aware what has been recorded but a due enquiry was made and the occurrence was alleged to have taken place at night and no witness was available to prove that the incident had really happened but even then departmental action was taken against the Head Warder and another convict warder.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (*ii*) and (*iii*), will the Government consider the desirability of placing a copy of the report of enquiry on the Library Table?

Khan Bahadur MOHAMMED ALI: No, Sir, it is not considered desirable

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state who actually made the enquiry?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to my reply to (*ii*) and (*iii*)

Family allowance of Babu Sourindra Kisore Dutt Choudhury, a security prisoner.

***38. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state--

(*i*) whether it is a fact that the family allowance at the rate of Rs.25 monthly, allowed to Sourindra Kisore Dutt Choudhury, security prisoner, Dum Dum Central Jail, had been sent by money order, dated the 7th December, 1943, to his mother by the District Magistrate, Noakhali, but as the mother died on the 9th December the money order could not be delivered owing to delay;

(*ii*) whether it is a fact that his younger sister Tarubala is a dependant on him as the whereabouts of her husband are unknown;

(*iii*) whether the security prisoner has submitted a petition to the Government for sending his family allowance to his sister Tarubala;

(*iv*) whether it is a fact that the stationery and book shop under the name and style of "Feni School Supply Agency" had been burnt to ashes during air raid on the 1st April last year as the shop was under lock and key?

(*v*) whether the prisoner as a partner of the said shop submitted several petitions to the local authorities as well as to the Hon'ble Chief Minister and the Deputy Secretary concerned about the occurrence?

(*b*) If the answers to (*a*)(*i*) to (*iii*) are in the affirmative, is the Hon'ble Minister considering the desirability of passing orders for sending the family allowance of the prisoner to his sister Tarubala?

(*c*) If the answers to (*a*)(*iv*) and (*v*) are in the affirmative, is the Hon'ble Minister considering the desirability of granting compensation to the prisoner for the loss sustained by him and his partners on account of the air raid referred to in (*a*)(*iv*)?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) The allowance of Rs. 25 per month sanctioned to the mother of the security prisoner was sent to her by money order but it was returned undelivered as the payee was reported to have died.

(*ii*) I have no such information.

(*iii*) and (*v*) Yes.

(*iv*) The Feni School Supply Agency was burnt on the 1st April, 1943, by enemy action. The shop was then under lock and key and is reported to have been closed since September or October, 1942.

(*b*) Necessary orders have already issued to the District Magistrate, Noakhali, directing payment of the unremitted allowance to the sister (Tarubala) of the prisoner.

(*c*) Local enquiry by the Land Compensation Officer established that there was a third partner of the shop, Babu Bijoy Dutta, who was practising as a Mukhtear at Feni. As one of the partners was at liberty and able to make any necessary arrangement for the care of the property on the date of the occurrence, the case was treated as similar to that of other persons who lost their property during the air raid on that date. No provision has been made by Government for compensation to shopkeepers for loss of stocks or business incurred.

Mr. HARENDRA KUMAR SUR: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether any provision has been made by Government for compensation to shopkeepers for loss of stocks incurred as a result of enemy action?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the last part of my reply to (*c*).

Mr. ATUL CHANDRA SEN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether at the time of the air raid the security prisoner in question was detained and deprived of liberty of action in saving his property?

Khan Bahadur MOHAMMED ALI: He was detained but on enquiry it was found that he was not the only proprietor of the shop. There was another partner who could have taken care of the stock.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state whether Government will consider the desirability of giving the prisoner compensation to cover his share of the loss?

Khan Bahadur MOHAMMED ALI: That question does not arise. It will have to be taken into consideration along with the owners of the other shops who were at liberty.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state, with reference to answer (*a*) (*iv*), why no arrangement has been made for compensation in this case though the loss was incurred as a result of the action of the enemy?

Khan Bahadur MOHAMMED ALI: That is a different matter of policy. I would refer the honourable member to the latter part of my answer (c).

Mr. HARENDRA KUMAR SUR: Is it a fact that the shop was burnt as a result of enemy action?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the first part of my reply (ii).

Deaths from epidemic diseases in Noakhali district.

***39. Mr. HARENDRA KUMAR SUR:** Will the Hon'ble Minister in charge of the Public Health Department be pleased to state the total number of deaths of persons due to epidemic diseases in the Noakhali district for the years 1939, 1940, 1941, 1942 and 1943, respectively?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): A statement is laid on the Table

Statement referred to in reply to starred question No. 39.

Statement showing deaths from cholera, plague, smallpox, cerebro-spinal meningitis, diphtheria, influenza, enteric fevers, measles and malaria in the district of Noakhali for each year from 1939 to 1943

	Cholera.	Plague.	Smallpox.	Cerebro-spinal meningitis.
1939 ..	422	..	41	21
1940 ..	541	..	50	15
1941 ..	4,211	..	64	2
1942 ..	2,065	..	302	1
1943 ..	13,641	..	4,427	..

	Diphtheria.	Influenza.	Enteric fevers.
1939 ..	8	24	293
1940 ..	30	46	487
1941 ..	12	30	202
1942 ..	14	38	235
1943 ..	6	26	241

	Measles.	Malaria.
1939 ..	38	3,374
1940 ..	131	4,507
1941 ..	51	4,217
1942 ..	35	4,510
1943 ..	28	8,768

Replacement of paid Vice-Chairman, Tittaghar Municipality, by one paid Executive Officer.

***40. Maulvi AZHAR ALI:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that of late the post of paid Vice-Chairman of Tittaghar Municipality has been replaced by one paid Executive Officer?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) qualification of (A) the outgoing Vice-Chairman, and (B) the present Executive Officer; and

(ii) (A) salary for the Vice-Chairman and (B) salary for the Executive Officer;

(*iii*) previous post held by the present Executive Officer with salary and his present age; and

(*iv*) the present term of his service?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes: in 1932.

(*b*) Entrance Examination of the Calcutta University.

(*b*) (*ii*) (*A*) Rs.210 per mensem plus fixed travelling allowance of Rs.15 per mensem.

(*B*) Rs.210 per mensem plus fixed travelling allowance of Rs.15 from date of appointment till the 31st March, 1940. Thereafter Rs.280 per mensem plus fixed travelling allowance of Rs.15.

(*iii*) Previous post: Paid Vice-Chairman, on salary as stated in (*b*)(*ii*)(*A*): Age 59 years.

(*iv*) No term has been fixed for the Executive Officer.

Asansol Mines Board of Health and its functions.

***41. Mr. B. MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state whether it is a fact that the Asansol Mines Board of Health is a Board to promote Welfare, Public Health, Sanitation and Medical Relief for the Bengal coalfield miners?

(*b*) If so, will the Hon'ble Minister be pleased to state how many qualified Medical men, both official and non-official, are in the present Board to advise in these matters of health—giving the names?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that only one qualified man is on the Board at present?

(*d*) If so, what action do the Government propose to take in the matter?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) whether there are any qualified Medical Inspectors besides the Chief Sanitary Officer to supervise and inspect the works of the qualified Medical Officers in the collieries who are directly responsible for health and sanitation of the miners; and

(*ii*) whether there is any such provision in the present Act empowering this Board to employ such qualified Medical Inspectors?

(*f*) If the answer to (*e*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take in this matter?

(*g*) Will the Hon'ble Minister be pleased to state whether there are any new schemes for an up-to-date improvement of the Propaganda Department which is purely a welfare department of the Asansol Mines Board of Health?

(*h*) Will the Hon'ble Minister be pleased to state—

(*i*) whether there is any such proposal lying with the Government for conversion of this Board of Health into an Industrial Health Board of Asansol subdivision;

(*ii*) whether the Asansol Mines Board of Health have got or maintained their own "Services Rules"; and

(*iii*) if so, what are these?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) and (*c*) Only one member of the Board is a qualified medical man. He is an official, and is the Divisional Medical Officer, East Indian Railway, Asansol.

(*d*) No special action is considered necessary.

(*e*) (*i*) Yes: medically-qualified Inspectors of Malaria and of Leprosy, also a Lady Superintendent in the Maternity and Child Welfare Department.

(*ii*) Yes.

(*f*) Does not arise.

(*g*) No new scheme. The Board has a Propaganda Department, but due to war conditions certain activities, e.g., travelling health exhibitions, lantern lectures, etc., were curtailed or suspended.

(*h*)(*i*) Yes. Amendment of the Act on this basis is under consideration of Government.

(*ii*) No.

(*iii*) The Board follows the Government Service Rules as far as possible.

Dr. NALINAKHA SANYAL: Will the honourable member officiating for uncle Ahmad be pleased to——

Mr. SPEAKER: That is wrong, Dr. Sanyal. You must withdraw it.

Dr. NALINAKSHA SANYAL: What is wrong, Sir?

Mr. SPEAKER: You said, "the honourable member officiating for uncle Ahmad". That is not parliamentary in my opinion.

Dr. NALINAKSHA SANYAL: I do not find anything wrong.

Mr. SPEAKER: You must withdraw, Dr. Sanyal.

Dr. NALINAKHSA SANYAL: I do not insist. But which word should I withdraw, Sir?

Mr. SPEAKER: You have said, "the honourable member officiating for uncle Ahmad". That is absolutely unparliamentary in my opinion. I would request you to withdraw it.

Dr. NALINAKSHA SANYAL: I accept your ruling.

Khan Bahadur MOHAMMED ALI: That is a different thing, Sir. He must withdraw

Mr. SPEAKER: Dr. Sanyal, it will be more honourable for you to say, "I withdraw".

Dr. NALINAKSHA SANYAL: All right, Sir. I withdraw. I was very anxious to find out where he is.

Now, will the Hon'ble Minister be pleased to state if it is a fact that the revision of the Asansol Mines Board of Health is under consideration for a long time?

Khan Sahib HAMIDUDDIN AHMAD: Yes, it is under consideration for a long time.

Dr. NALINAKSHA SANYAL: For how long has it been under consideration?

Khan Sahib HAMIDUDDIN AHMAD: For more than two years.

Dr. NALINAKSHA SANYAL: Is it a fact that in 1941 in answer to a question put in this Assembly the Government stated then that the revision is under consideration for a number of years?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many members are there in all, of which only one member is a medical man in the Mines Board of Health?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: *Will the Hon'ble Minister be pleased to state what are the professions or qualifications of the other members of the Board?*

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why it is not found necessary to increase the number of medical men as stated in answer(*d*)?

Khan Sahib HAMIDUDDIN AHMAD: Without change to the constitution of the Board there is no possibility of taking more medical men.

Dr. NALINAKSHA SANYAL: Will Government consider the desirability of amending the constitution of the Board to enable a larger number of medical men to be on it?

Khan Sahib HAMIDUDDIN AHMAD: Government will consider this suggestion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the so-called medically qualified Inspectors are medical men?

Khan Sahib HAMIDUDDIN AHMAD: They are not medical men in the real sense of the term.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the medical qualification of the Lady Superintendent of the Maternity and Child Welfare Department?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*f*), in view of the previous answer given now, will the Hon'ble Minister be pleased to give a modified or correct answer?

Mr. SPEAKER: That is a question of opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of modifying the present answer?

Khan Sahib HAMIDUDDIN AHMAD: I do not think it is necessary.

Dr. NALINAKSHA SANYAL: With reference to answer (*g*), will the Hon'ble Minister be pleased to state whether any old scheme is existing? It is stated that no new scheme for reorganisation is under consideration. Has there been any scheme at all?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Is it a fact that the Indian Medical Association had submitted several schemes and the Government also had been considering a number of schemes for a number of years?

Khan Sahib HAMIDUDDIN AHMAD: Several schemes have been submitted to the Government for consideration.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if propaganda amongst the miners is one of the important functions of the Mines Board of Health with a view to preserve health?

Khan Sahib HAMIDUDDIN AHMAD: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how that propaganda is now being maintained with restrictions imposed on health exhibitions and lantern lectures?

Khan Sahib HAMIDUDDIN AHMAD: I have already said that these are questions of details. I want notice to answer these questions.

Director of Public Health's authority over workings of Asansol Mines Board of Health.

*42. **Mr. B. MUKHERJI:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Director of Public Health, Bengal, has got any supervising and inspecting authority over the workings of the Asansol Mines Board of Health and that of its Chief Sanitary Officer?

(b) If so, will the Hon'ble Minister be pleased to state when he last inspected the said Board?

(c) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(d) Are not the Civil Surgeon, Burdwan district, and the Assistant Director of Public Health, Burdwan Division, the *ex-officio* Members of the Asansol Mines Board of Health? If not, why not?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (a) No.

(b) Does not arise.

(c) There is no such provision in the present Act (Bengal Mining Settlement Act II of 1912).

(d) No, as the number of seats is limited.

Dr. NALINAKSHA SANYAL: Has the Government received any representation or representations from and on behalf of the miners suggesting or requesting suitable amendment to the Miners Settlement Act and the Mines Board of Health Act?

Khan Sahib HAMIDUDDIN AHMAD: No, not from the miners.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any petition has been received from any other quarter?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Government of Bengal had prepared two years ago a draft amendment of the Act themselves?

Khan Sahib HAMIDUDDIN AHMAD: A draft was prepared.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the present position of that draft?

Khan Sahib HAMIDUDDIN AHMAD: It is still under consideration.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long Government would require to finalise their views on the draft?

Khan Sahib HAMIDUDDIN AHMAD: It is not possible to give the actual date, but the Government is trying to expedite the matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that severe cholera and small-pox prevail in the mines area and owing to the absence of suitable medical men and medical supervision, such epidemics could not be kept under check last year?

Khan Sahib HAMIDUDDIN AHMAD: Government is not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if his attention has been drawn to the statement produced by himself two days ago showing a very large increase in the number of deaths and attacks from small-pox in the Burdwan district including the mines area?

Khan Sahib HAMIDUDDIN AHMAD: That was for the district as a whole. I cannot tell the honourable member whether there were any excessive deaths or attacks amongst the miners.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government had any information regarding the state of health maintained by miners within the province of Bengal during last year?

Mr. SPEAKER: The phrase "within the province of Bengal" does not arise.

Dr. NALINAKSHA SANYAL: The mines area is in Bengal.

Khan Sahib HAMIDUDDIN AHMAD: Government is not aware of any special arrangements.

Cultivation of long staple cotton.

*43. **Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*i*) whether Government are considering the urgency and necessity of popularising the cultivation of long staple cotton in large scale;

(*ii*) whether Government got any assurances in the past from the Mill-owner's Association to the effect that they would purchase all the quantity of long staple cotton produced in Bengal; and

(*iii*) whether Government was offered the minimum price of Rs.25 per maund (ginned cotton) from the said Association?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when the assurances were given; and

(*ii*) how many thousand maunds of long staple cotton were sold to them up to date since the assurances were given showing the figures separately year by year?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the amount spent by the Provincial Government for the development of long staple cotton cultivation in the year 1943-44;

(*ii*) the amount proposed to be spent in 1944-45; and

(*iii*) the amount, if any, the Indian Central Committee and the Mill-owner's Association contributed for 1943-44 and proposed to give for 1944-45?

(*d*) Is it a fact that in reply to the queries made by the Indian Central Cotton Committee the Provincial Government expressed their inability in 1943 to contribute a part of Rs.29,000 for proposed scheme of the development of long staple cotton cultivation which was to take effect from the 1st May, 1943?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*f*) Will the Hon'ble Minister be pleased to state how the Government propose to popularise the cultivation of long staple cotton?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Yes.

(*b*) (*i*) 1939.

				Maunds (Approx.).
(*ii*) 1940-41	...	...	...	50
1941-42	...	...	...	100
1942-43	...	...	...	200
1943-44	...	...	...	250

(*c*) (*i*) Rs.888.

(*ii*) Rs.1,978.
(*iii*) 1943-44 Rs.5,705 and 1944-45 Rs.6,177.

(*d*) and (*e*) In 1941-42 Government decided not to finance any scheme which has no direct bearing on war efforts, and in accordance with this decision the Provincial Government expressed their inability to contribute anything towards the proposed extension of the scheme of development of long staple cotton from the 1st May, 1943. In fact, however, Government have already sanctioned a contribution of Rs.2,925.

(*f*) According to the instruction of the Indian Central Cotton Committee, a small scheme extending over 3 years is now in operation to find out the best time of sowing, spacing and the best variety suitable for those districts of Bengal where cotton has been found to grow satisfactorily. This scheme is just in the second year of working. Much will depend on the results of this experiment. Government, however, are not unmindful of the importance of cultivation of long staple cotton.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether Government spent only Rs. 888 in the year 1943-44, whereas Government received Rs. 5,705 in the year 1943-44 from the Indian Central Cotton Committee?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is the amount required for that year probably.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the criterion to find out whether a particular expenditure has any direct bearing on war effort or not?

Mr. SPEAKER: That is a question of opinion. I cannot allow that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government have drawn up any set of rules or principles on the basis of which it could be decided straightaway whether a particular expenditure has any bearing on war effort or not?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Since then there has been a modification, on account of which it was possible to contribute Rs. 2,925.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state at what rate cotton was sold in the years 1941-42 to 1943-44?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*f*), will the Hon'ble Minister be pleased to state whether the Government of Bengal are prepared to make any experiments independently of the Indian Central Cotton Committee on the cultivation of long staple cotton in Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government is also doing some experiments in this line in addition to those of the Indian Cotton Committee and Government certainly realises the importance of this special kind of cotton and will do everything possible to have more experiments made.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether Government has received any recommendation from the Provincial Cotton Sub-Committee regarding expansion of long staple cotton cultivation, and if so, what steps Government have taken?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government is sympathetically considering its recommendations.

Mr. DHIRENDRA NATH DATTA: In answer to a question, it was *said that Government required only Rs. 888 to be spent that year. May I take it that Government had no scheme to spend Rs. 5,705?*

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not know wherefrom the honourable member is quoting figures.

Mr. DHIRENDRA NATH DATTA: May I know whether you had any scheme in the year 1943-44 on which you could spend Rs. 5,705?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Rs. 888 was the Local Government's contribution and Rs. 5,705 was the contribution received from the Indian Central Cotton Committee and the Millowners' Association.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the Government have appointed a soil science expert to explore the possibility of long staple cotton cultivation in Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As I have already said, some experiments are being made in that direction, but no comprehensive scheme covering the whole of Bengal and examining the entire area of Bengal has been before Government.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether the staff is sufficient and efficient to cope with this experimental work?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly not. They are not sufficient.

Dr. NALINAKSHA SANYAL: With reference to the answer given to Mr. Dhirendra Nath Datta's question, will the Hon'ble Minister be pleased to state who received the contribution referred to in answer (*c*) (*iii*)?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I believe it is the Government of Bengal who received it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the amount sanctioned, viz., Rs. 2,925 is the total amount for the scheme inclusive of such amounts as might have been contributed by other allied bodies?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly not. This is only the Government's contribution.

Dr. NALINAKSHA SANYAL: Where is that mentioned?

The Hon'ble Khan Bahadur SAIYED MUZZAMUDDIN HOSAIN: Government have already sanctioned the contribution of Rs. 2,925.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that *boro* cotton (long staple) was grown in Bengal very largely and even muslin was woven out of that?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I know it unofficially, but officially I have no knowledge.

Mr. DHIRENDRA NATH DATTA: What was the actual amount spent in the year 1943-44 for this purpose?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have not got figures, but I believe this amount must have been spent.

Adviser to the Director of Industries, Bengal.

*44. **Miss MIRA DUTTA GUPTA**: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*i*) who is the Engineering Adviser to the Director of Industries, Bengal;

(*ii*) whether he is a Hungarian; and

(*iii*) if so, whether his movements are or were ever restricted?

(*b*) If the reply to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason why he has been appointed in such a responsible post?

(*c*) Will the Hon'ble Minister be pleased to state his Engineering qualifications, theoretical and practical?

(*d*) Is it a fact that his behaviour to subordinate staffs is rude and that he actually assaulted his office assistants?

(*e*) Has the Hon'ble Minister received a petition from any officer complaining about the rude behaviour and assault on officers by the said Engineering Adviser?

(*f*) If so, will the Hon'ble Minister be pleased to state what steps, if any, have been taken thereon?

The Hon'ble Mr. K. SHAHABUDDIN: The Engineer has been working in the War Supplies Section under the Director of Industries, Bengal, who has been functioning as Agent of the Central Government in the matter of war supplies and is solely responsible to that Government in this respect. I do not therefore feel competent to answer the question which relates to a matter of administration for which I am not responsible.

Point of Privilege.

Dr. NALINAKSHA SANYAL: May I rise on a point of privilege, Sir? Section 133, sub-section (3) of the Motor Vehicles Act, lays down that all rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than 14 days before the Central or the Provincial Legislature as the case may be as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session unless they are so laid. I find, Sir, that certain amendments to the Motor Vehicle Rules, 1942, have been made and these were gazetted during the period when the Assembly was not in session. Some of these amendments take away the healthy control of the Traffic Department, and amendments of Chapter V in particular give exemptions to certain classes of vehicles from the obligations entailed on other classes of vehicles. I submit, Sir, that all these amendments ought to have been placed, immediately such amendments have been effected and it has been a serious infringement of the rights and privileges of this House if amendments have been given effect to without giving an opportunity to the House to revise the same. I particularly feel hurt in this connection because some of these exemptions have given such wide powers and privileges to military and other lorries that accidents in Calcutta have been a result thereof.

Mr. SPEAKER: Dr. Sanyal, you cannot discuss the merits. You are raising a point of privilege.

Dr. NALINAKSHA SANYAL: I am not discussing the merits. The rules ought to have been placed before the House. These rules are of such vital nature that infringement of these rules has led to serious consequences——

Mr. SPEAKER: You cannot, while raising a point of privilege, discuss the merits.

Dr. NALINAKSHA SANYAL: That is why I raised an adjournment *motion which you have been pleased not to give consent to. I wanted to bring the atrocities of these military lorries to notice but on every occasion you had for some reason or other known best to yourself withheld it.* Now, I submit the matter as a point of privilege under the rules and I would like to have this matter properly explained, so that we can know how we stand with regard to the enactment of the Central Government and of the present Legislature.

Khan Bahadur MOHAMMED ALI: We will look into the matter and we hope to be in a position to give that answer to-morrow.

Mr. SPEAKER: Let us now come to legislative business. The Calcutta Improvement (Howrah Amendment) Bill, 1944.

GOVERNMENT BILLS.

The Calcutta Improvement (Howrah Amendment) Bill, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. Speaker, Sir——

Dr. NALINAKSHA SANYAL: On a point of order. A Bill that is tabled to be moved by a particular member, notice having been given by that member, cannot be moved by any other member, and you are not, Sir, under the rules permitted to sanction such changes in the case of a Bill. In fact, Sir, rules definitely state that if the member in charge of the Bill does not move at the time, the Bill automatically lapses.

Mr. SPEAKER: As I read the rules——

Dr. NALINAKSHA SANYAL: Before you give your ruling, may I also remind you that this particular question was raised on an occasion when the Secondary Education Bill was to be moved by Mr. Tamizuddin Khan who was then ill and he sought your permission to enable some other member of Government to place the Bill before the House which you were pleased to disallow.

Mr. SPEAKER: I do not remember the exact circumstances under which I disallowed that, but here a Minister has sought permission to pilot the Bill in the absence of another Minister who has given notice of it. As I see it from the rules, specially rule 1 which defines the member in charge of the Bill, I think it all right for any member—any Minister—of Government to move the Bill.

Dr. NALINAKSHA SANYAL: Sir, I submit there is no such precedent in the House nor do the rules permit it. If you would kindly look at the Bill, the member in charge is J. Ahmad, not a Minister. It is an individual. In the matter of Bills the position of all the members is the same.

Mr. SPEAKER: I have seen it myself and I have given my ruling. It is no use arguing on a matter like this. Here it is a Government Bill. When it is a Government Bill any member acting on behalf of Government can move that.

Dr. NALINAKSHA SANYAL: From rule 1, the definition of "member in charge", it is absolutely clear——

Mr. SPEAKER: My ruling is that——

Dr. NALINAKSHA SANYAL: I submit that this is——

Mr. SPEAKER: I have already given my ruling. If you are not satisfied with it you can see me in my Chamber and discuss it some other time. I have allowed Khan Bahadur Saiyed Muazzamuddin Hosain to move it.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to introduce the Calcutta Improvement (Howrah Amendment) Bill, 1944.

(Secretary then read the short title of the Bill.)

Dr. NALINAKSHA SANYAL: Sir, is it your ruling that——

Mr. SPEAKER: Order, please, Dr. Sanyal. I have already stated that in my opinion it is perfectly in order for one Minister to move in the absence of another Minister in the case of a Government Bill. That is perfectly clear. If you are dissatisfied I hope I shall be benefited by your counsel and advice and I will be ever ready to revise my decision in the light of the advice and counsel that you may give me. I shall be ready to hear you but not on this occasion.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Calcutta Improvement (Howrah Amendment) Bill, 1944, be referred to a Select Committee consisting of——.

Mr. SASANKA SEKHAR SANYAL: On a point of order.

Mr. SPEAKER: Let him finish.

Mr. SASANKA SEKHAR SANYAL: No, Sir. I am challenging his right to move because you have referred to section 1.

Mr. SPEAKER: Mr. Sanyal, are you going to challenge the decision that I have given?

Mr. SASANKA SEKHAR SANYAL: No, I am referring to you a point which probably has escaped your notice. "Member in charge of the Bill" means, in the case of a Government Bill, any member acting on behalf of Government. Is he a member of this House?

Mr. SPEAKER: That is an important point of order.

Dr. NALINAKSHA SANYAL: He is not a member. He has got only a right to speak.

Mr. SPEAKER: That point was not brought to my notice and that did not strike me. That is a point for consideration.

Khan Bahadur MOHAMMED ALI: What does a member mean? Does it mean a member of this House?

Mr. SPEAKER: Order, please. It is an important point for consideration. I think the best course would be that we pass on to the next item.

Khan Bahadur MOHAMMED ALI: If the interpretation is that he must be a member of this House——

Mr. SPEAKER: Order, please. As I have said I will consider the point. I am not going to hear it now in this House. Let me consider it and then I will give my decision.

Khan Bahadur MOHAMMED ALI: You will consider it outside?

Mr. SPEAKER: Yes, I have got to consider it outside. It is a nice point. Let us pass on to the next item.

Khan Bahadur MOHAMMED ALI: Then the Hon'ble Mr. Tarak Nath Mukerjea can move. Now you have got ample time.

Mr. SPEAKER: Order, order.

The Albert Victor Leper Hospital (Amendment) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, may I have you permission to move?

Mr. SPEAKER: Yes.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to mov that the Albert Victor Leper——.

Mr. SPEAKER: Order, order. The same difficulty arises. Th House is adjourned for half an hour. After half an hour there will b prayer time. So we meet again at 6-15 p.m.

(Accordingly the House was adjourned till 6-15 p.m.)

(After adjournment.)

The Calcutta Improvement (Howrah Amendment) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, in the unavoidable absence of the Hon'ble Minister in charge of the Local Self-Government Department, may I have your permission to move the motions standing in his name?

Mr. SPEAKER: Yes.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to introduce the Calcutta Improvement (Howrah Amendment) Bill, 1944.

(Secretary then read out the short title of the Bill.)

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Calcutta Improvement (Howrah Amendment) Bill, 1944, be referred to a Select Committee consisting of—

(1) Mrs. Hasina Murshed, M.B.E.,
(2) the Hon'ble Mr. Barada Prasana Pain,
(3) Mr. M. A. H. Ispahani,
(4) Mr. Shyama Prasad Barman,
(5) Mr. J. W. Chippendale,
(6) Sir Henry Birkmyre, Bart.,
(7) Mr. Ashutosh Mullick,
(8) Mr. Asimuddin Ahmed,
(9) Dr. Sanaullah,
(10) Sir Hari Sankar Paul,
(11) the Hon'ble Minister in charge of Local Self-Government and Public Health Department, and
(12) the mover,

with instructions to submit their report by the 31st January, 1945, the quorum of the Select Committee being fixed at four.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that Khan Bahadur Syed Abdur Rauf be included in the Select Committee.

Mr. SPEAKER: All right; his name will be included.

Mr. SANTOSH KUMAR BASU: Sir, I understand that one name was called for from my party and a name was sent, but I do not find the name of that member in the list.

Mr. SPEAKER: There is ample room.

Khan Bahadur MOHAMMED ALI: Sir, may I have your permission to propose that Mr. Atul Krishna Ghose may also be included in the Select Committee?

Mr. SPEAKER: Yes. Now we shall take up the amendments. I think that there are some.

Dr. NALINAKSHA SANYAL: There may be some, but I want to speak generally.

Mr. SPEAKER: That will come later. Let the amendments be disposed of first.

(None of the amendments were moved.)

Mr. SPEAKER: Dr. Sanyal, you can now speak.

Dr. NALINAKSHA SANYAL: Sir, I welcome the introduction of the Calcutta Improvement (Howrah Amendment) Bill, 1944, and we claim that it was the Congress Party that first brought to the notice of the country the urgency of this measure. It will be found that as early as 31st January, 1916, Mr. Bompas—I give the European Group credit for it—Chairman, Calcutta Improvement Trust, first sent a note to the Secretary, Government of Bengal, on behalf of the Department, regarding the extension of operations of the Improvement Trust to Howrah. Thereafter a long series of correspondence went on and nothing materialised. So far as this Legislature is concerned, the first concrete suggestion was through a memorial submitted to Government by a number of members of the Assembly which was dated the 5th December, 1940, headed by Mr. Iswardas Jalan of my party, and it included also the name of Mr. B. P. Pain and others. Much water has flown down the Ganges, and I believe that but for the active support of Sir Henry Birkmyre and some members of the European Group the Government of the day would not probably be alive in regard to this very urgent measure. But, Sir, I submit that Howrah requires cleaning up in respects more than one.

So far as the Howrah Municipality is concerned, it had been in the lime light for some time past and Government thought fit to mutilate the reports of an enquiring committee appointed by Government through a press note so much so as to give the air that the complaints made against the Chairman-Minister were all absolutely without foundation. The Publicity Minister of the Government of Bengal can hardly congratulate himself for the performance made through that press note and the guilty mind is apparent throughout.

So far as the improvement of Howrah is concerned, may I submit, Sir, that nothing can be done so long as the complaints against the present Minister-Chairman of the Howrah Municipality are not properly viewed——

Mr. SPEAKER: Dr. Sanyal, this is the Calcutta Improvement (Howrah Amendment) Bill. So, don't bring in the municipality.

Dr. NALINAKSHA SANYAL: Sir, I do not know why the Ministers of Government are so very anxious to stultify discussion on a measure on which they thought it necessary to go to the whole hog and make statements based on inadequate grounds and on the basis of bravado made elsewhere. The Chief Minister said: "Wait. You will have something for which you will find.....

Mr. SPEAKER: Please confine yourself to this Bill.

Dr. NALINAKSHA SANYAL: I submit, Sir, that he laughs best who laughs last. I know that Government had manipulated certain press and wrote editorial notes exonerating——

Mr. SPEAKER: We are not discussing the merits and demerits of the municipal administration of Howrah or the Ministers. Here the measure is the Calcutta Improvement (Howrah Amendment) Bill. This is going to be referred to a Select Committee. If you have anything to say with regard to the principles involved, it is welcome.

Dr. NALINAKSHA SANYAL: Sir, I am confining myself to the various interests in Howrah and the improvement of Howrah which are stated in the Statement of Objects and Reasons as the primary purpose of introducing this legislation. I submit, Sir, that, so far as the improvement of Howrah is concerned, hardly anything can be done so long as the Minister-Chairman continues and he is continuing under the patronage of the present Ministry. The Bill may become absolutely infructuous. Therefore Government should direct their attention to proper quarters and I will only invite your attention to the relevant correct extracts from the reports submitted by the Judges who enquired into the matter——

Mr. SPEAKER: I cannot allow that.

Dr. NALINAKSHA SANYAL: You know, Sir, how very mutilated was the report published in the press.

Mr. SPEAKER: Dr. Sanyal, will you kindly resume your seat? I cannot allow you to speak on such matters. You have got to confine yourself to the principles embodied in the Bill.

Dr. NALINAKSHA SANYAL: And also the personnel mentioned in the motion for reference to the Select Committee.

Mr. SPEAKER: No.

Dr. NALINAKSHA SANYAL: There is a Select Committee proposed. There are certain names suggested for the Select Committee and the name of Mr. Barada Prosanna Pain, the Minister-Chairman, is one. I am entitled to say to the House how very unfair it would be to permit such a person to be on a Select Committee against whom some very serious indictments were made by the Judges who were appointed by Government to enquire into the conduct of Mr. Pain. So far as I understand, the Judges have, in addition to their report submitted a separate note..... (interruption).

Mr. ABDULLA-AL MAHMOOD: On a point of order, Sir. That is not correct.

Mr. SPEAKER: Order, order. Whether he is correct or not, I am not here to judge that. He can certainly say that so and so is not a desirable man and that he ought not to be on the Select Committee. If he makes an incorrect statement with regard to that particular gentleman, you are here to contradict that. But I cannot correct it.

Dr. NALINAKSHA SANYAL: So far as this House is concerned, I believe I have got the privilege of making my observations in my own way. Government have their right to make insinuations outside the House in their press communique which they have deliberately done in issuing the false report to the press——(interruption)——I would like to know why Government did not release the full report to the public. If they did so, then that would reveal something——

Mr. SPEAKER: I don't think I can allow you to dilate on that. You can say at the most that he is not a desirable man; that the full report has not been placed before the House and that you do not know what the report is. I cannot allow you to digress further than that.

Dr. NALINAKSHA SANYAL: I find that severe castigations have been made against the Minister-Chairman and I am also informed that the Enquiry Committee have submitted a special confidential note addressed to the Chief Secretary to the Government of Bengal which has not seen the light of day. They made that report with the idea that although some matters——

Khan Bahadur MOHAMMED ALI: On a point of order, Sir.

(Interruption.)

Mr. SPEAKER: Will you kindly resume your seat? Dr. Sanyal, I have given you repeated directions. I am sorry to say that you are not keeping yourself within the limits. I will allow you to say—and that can be said in one sentence—that the report has not been published, that the report which you have somehow come to know says this and that therefore Mr. Pain is not a desirable man. Don't go further than that.

Dr. NALINAKSHA SANYAL: Unfortunately there are certain publications made by Government or on the authority of Government. They give the public outside an incorrect idea of the position. I have also got relevant extracts from that report and you will see how Government have mutilated that report.

Mr. SPEAKER: I am sorry we cannot discuss the personal character of any member or the report in its entirety while discussing a motion for reference to the Select Committee. The main thing is either you support the motion or you do not support it. In that, I will permit the discussion of the principles involved in the Bill. As to the personnel of the Select Committee, you can say that a certain person is undesirable from your point of view. But if you go on dilating——

Dr. NALINAKSHA SANYAL: I have got to convince the members.

Mr. SPEAKER: I cannot allow that.

Dr. NALINAKSHA SANYAL: How can I convince the members then?

Mr. SPEAKER: I cannot allow you.

Dr. NALINAKSHA SANYAL: I am not going to quote the whole report. I am going to read only certain extracts.

Mr. SPEAKER: Have you got the report with you? I want to see whether you are actually reading from it.

Dr. NALINAKSHA SANYAL: No, that is not your look out.

Mr. SPEAKER: It is certainly my look out. This is a point which you have yourself raised before.

Dr. NALINAKSHA SANYAL: Sir——

Mr. SPEAKER: Dr. Sanyal, will you kindly resume your seat? You have raised this point before that when something is read out from a document, the other parties may say that it cannot be read out unless the document is available to the House. Therefore if you say that it is an extract, I cannot allow you that. You can say "I know that this is so and so".

Dr. NALINAKSHA SANYAL: I am not reading out from the document. I am reading out from my notes.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: On a point of order, Sir. It is contrary to parliamentary practice for a member to be allowed to pretend to read extracts from a confidential document unless the confidential document is available to the members of the House.

Rai HARENDRA NATH CHAUDHURI: Is the report confidential?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, in all fairness you should claim the right to inspect the document and also to attest the veracity of the member concerned.

Dr. NALINAKSHA SANYAL: I trust that the Hon'ble Minister in charge of Finance who is very truthful in all his dealings in life knows very well that the document concerned is not confidential. It has been supplied to the press.

Mr. SPEAKER: Order, order. Dr. Sanyal, I am on my legs. I am sorry to see that mutual recrimination is going on. I cannot allow this sort of mutual recrimination which is absolutely irrelevant to the subject-matter before the House. Dr. Sanyal, I have already said that I cannot allow you to say that you are quoting from a certain document unless the entire document is before me and there is right in the other side to say that in that case the entire document should be produced. You can, as I have already stated, say that a certain person is undesirable from your point of view. But if you go on digressing into details about any matter which is unconnected, I am sorry I cannot allow that.

Dr. NALINAKSHA SANYAL: If under your ruling I am debarred from quoting exact words from the document which for purposes of the State has been kept from the public, I would only bring to the notice of the House whatever I have discovered carefully after a diligent study of the report of the members of that Enquiry Committee. It has also come to my notice that apart from that report the members had submitted one confidential note to the Chief Secretary to the Government of Bengal where they stated that for obvious reasons they could not put all these down in the main report but that they had come across certain matters which they felt, in spite of the fact that they were appointed by the Provincial Government, it was their duty to bring to the notice of the Chief Secretary to the Government of Bengal.

Khan Bahadur MOHAMMED ALI: On a point of order, Sir, You have stated that it is open to members to discuss personalities.

Mr. SPEAKER: You can never discuss personalities.

Khan Bahadur MOHAMMED ALI: You have stated that it is open to a member to discuss whether a certain person is a desirable or an undesirable man on the Select Committee. That is creating a dangerous precedent in the sense that whenever a Select Committee is proposed, it would be open for any member to cast aspersions against another member.

Mr. SPEAKER: That cannot be allowed.

Khan Bahadur MOHAMMED ALI: He is doing that.

Mr. SPEAKER: Will you kindly resume your seat? Rule 12(*viii*) makes it absolutely clear that in his speech no member can make a personal charge against any other member. I cannot allow any member to make a personal charge against anybody. All that he can say is that in view of certain facts in his opinion he ought not to be on the Select Committee. That is all that he can say.

Mr. FAZLUR RAHMAN: Sir, I would appeal to Dr. Sanyal not to break the convention of this House which has been established all these years not to raise objections against any person at the time when the motion for reference to a Select Committee is discussed. But if you enter into the question whether a particular member is desirable or undesirable, then it will be questioning the agreement.

Sir, the convention of this House is that the different Whips of the different parties settle the personnel of the Select Committee so far their party is concerned to represent their party. It is in the opinion of the Chief Whip of the Government who should represent the Government Party and it is in the opinion of the Whips of the other parties who should represent their parties on the Select Committee. If he once breaks this, others can question or the House can question the desirability of a particular member. Then, Sir, the wholesome convention will not be there and then there will be a Select Committee not representing the different parties but a Select Committee by a majority party carrying a resolution in the House. That will be a state of thing which will not be proper and if, Sir, the

Opposition Whip insists then, I can assure you, Government is not going to consult any of the Whips of the party in constituting the Select Committee.

(Cries of "Oh, oh" from the Opposition Benches.)

Khan Bahadur MOHAMMED ALI: May I submit to you that there is no motion before the House that the name of the Hon'ble Mr. Barada Prosanna Pain be deleted. So it is not open to him to discuss that.

Mr. SPEAKER: I can quite see the force of the argument that has now been placed before me by Khan Bahadur Mohammed Ali. Strictly speaking, even on a motion about the personnel of a committee objection can be made. There may be proposal for deletion of the name of a certain member or there may be proposal for the substitution of the name of a member or there may be proposal for addition of certain members generally when there is motion for reference to a Select Committee. A question of principle is involved here. In the present case there is no motion for deletion of any name but still even if there be no motion to that effect, every member has got the right to vote against the entire motion. Therefore if a certain member says that in his opinion the constitution of the Committee, as proposed, is not a desirable constitution, it is open to him to make his submission to that effect. But in doing so, I will certainly not allow any personal reflection because that is against the rules. Rule 12(*viii*) is clear on that point.

Dr. NALINAKSHA SANYAL: I submit, Sir, that the rule referred to by you, if it is read and re-read properly ——

Mr. SPEAKER: I have already given my ruling.

Dr. NALINAKSHA SANYAL: It refers to personal conduct and personal charge. I shall be entirely within my rights to criticise the public conduct of a public man.

Mr. SPEAKER: Dr. Sanyal, I cannot allow you any longer to dilate upon personalities. I will not allow you; you have said enough.

Dr. NALINAKSHA SANYAL: I will speak on the public conduct of a public man.

Mr. SPEAKER: No, I cannot allow you that in this connection.

Dr. NALINAKSHA SANYAL: Why not?

Mr. SPEAKER: No question of why; rules do not permit and I will not allow.

Dr. NALINAKSHA SANYAL: Why not?

Mr. SPEAKER: Order, please. You are challenging my ruling, I will not allow it.

Dr. NALINAKSHA SANYAL: I am entirely within my rights and I shall speak within my rights.

Mr. SPEAKER: I won't allow you. Will you sit down?

Dr. NALINAKSHA SANYAL: Sir——

Mr. SPEAKER: Order, order. I won't allow you. I have given you 25 minutes.

Dr. NALINAKSHA SANYAL: The rule says——

Mr. SPEAKER: If you talk again, I will have to take disciplinary action against you.

The Hon'ble Mr. TARAK NATH MUKERJEA: I accept the amendments of Khan Bahadur Mohammed Ali. As regards the observations made by Dr. Sanyal I would like to say that the aspersions cast by him against certain members of the Select Committee are absolutely without foundation and I would only treat them (Dr. NALINAKSHA SANYAL: With the contempt you deserve) with the contempt they deserve.

Mr. SPEAKER: The question before the House is——

Dr. NALINAKSHA SANYAL: Sir, I want to speak.

Mr. SPEAKER: I have said I won't allow you. Kindly do not disturb the business of the House.

Dr. NALINAKSHA SANYAL: I have a right to speak on the other motion.

Mr. SPEAKER: There is no other motion.

Dr. NALINAKSHA SANYAL: There is a motion including the names of other members—short-notice amendment. You have accepted the short-notice amendment.

Mr. SPEAKER: Sit down; I will request you not to continue like that.

Dr. NALINAKSHA SANYAL: I only humbly beseech you not to take up this attitude.

Mr. SPEAKER: I have thrice requested you. If you do not sit down, I will have to take disciplinary action.

Dr. NALINAKSHA SANYAL: I most humbly beseech you not to do any injustice.

Mr. SPEAKER: While I am speaking you ought not to speak. This is for the last time I am requesting you not to disturb the proceedings of the House. I hope you will resume your seat and will not rise again.

The question before the House is——

Dr. NALINAKSHA SANYAL: Will you kindly resume your seat and enable me to speak? Unless you take your seat how can I make my submission?

Mr. SPEAKER: Dr. Sanyal, I do not want to hear your submission. If you rise again I will have to name you.

The question before the House is that the motion of the Hon'ble Mr. Tarak Nath Mukerjea that the Calcutta Improvement (Howrah Amendment) Bill, 1944, be referred to a Select Committee consisting of—

(1) Mrs. Hasina Murshed, M.B.E.,
(2) the Hon'ble Mr. Barada Prasanna Pain,
(3) Mr. M. A. H. Ispahani,
(4) Mr. Shyama Prasad Barman,
(5) Mr. J. W. Chippendale,
(6) Sir Henry Birkmyre, Bart.,
(7) Mr. Ashutosh Mullick,
(8) Mr. Asimuddin Ahmed,
(9) Dr. Sahaullah,
(10) Sir Hari Sankar Paul,
(11) the Hon'ble Minister in charge of Public Health and Local Self-Government,
(12) the Hon'ble Mr. Tarak Nath Mukerjea, M.B.E. (the mover),
(13) Mr. Atul Krishna Ghose, and
(14) Khan Bahadur Syed Abdur Rauf,

with instructions to submit their report by the 31st January, 1945, the quorum of the Select Committee being fixed at four.

The motion was then put and agreed to.

Dr. NALINAKSHA SANYAL: On a point of order.

Mr. SPEAKER: No point of order arises.

Dr. NALINAKSHA SANYAL: It does arise.

Mr. SPEAKER: It does not. Please resume your seat.

Dr. NALINAKSHA SANYAL: The Hon'ble Mr. Tarak Nath Mukerjea's name did not appear in the motion but you mentioned that name. Where is it?

Mr. SPEAKER: I have heard it very carefully. The Hon'ble Mr. Tarak Nath Mukerjea himself said "the mover" and "the mover" means Mr. Tarak Nath Mukerjea.

Dr. NALINAKSHA SANYAL: Am I to understand that Khan Bahadur Maulvi Jalaluddin Ahmad goes out?

Mr. SPEAKER: Certainly not.

Dr. NALINAKSHA SANYAL: Sir, did you allow the short-notice amendment to the personnel of the Select Committee?

Mr. SPEAKER: Certainly I did, and it was accepted.

Dr. NALINAKSHA SANYAL: The convention is that certain proportion of names——

Mr. SPEAKER: Order, please. The matter has already been decided. I cannot allow you further discussion.

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: There cannot be any point of order at this stage.

The Albert Victor Leper Hospital (Amendment) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, in the absence of the Hon'ble Minister in charge of the Local Self-Government Department may I have your permission to introduce the Albert Victor Leper Hospital (Amendment) Bill, 1944?

Mr. SPEAKER: Yes.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to introduce the Albert Victor Leper Hospital (Amendment) Bill, 1944.

(Secretary then read out the short title of the Bill.)

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Have you got any authority given to the member who has now risen to act on behalf of Government and in substitution of the member in charge?

Mr. SPEAKER: Yes, he asked for my permission and I have permitted him. The matter ends there.

Dr. NALINAKSHA SANYAL: You have got no authority.

Mr. SPEAKER: No question of authority arises.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Albert Victor Leper Hospital (Amendment) Bill, 1944, be taken into consideration.

Sir, it is a short and simple Bill, and it has been duly gazetted and circulated; and honourable members know that it is only to remove certain technical defects and for better working of the hospital that this amendment of the Bill has been found to be necessary.

Dr. NALINAKSHA SANYAL: *Sir, so far as the Albert Victor Leper Hospital (Amendment) Bill is concerned, the Bill appears to be a very simple one. The Statement of Objects and Reasons is that the Bill is moved* with a view to remove certain difficulties experienced by the Board of Trustees in the matter of disposing by sale or otherwise any of their properties even when such sale and disposal are in the interest of the institution. The sales and disposals of properties belonging to a public institution have given rise to various abuses. In connection with the Howrah Municipality we have found that a certain Minister-Chairman abused his power in connection with the property——

Mr. SPEAKER: Dr. Sanyal, I cannot allow that: that is irrelevant.

Dr. NALINAKSHA SANYAL: I am giving you an example, Sir.

Mr. SPEAKER: I cannot allow that.

Mr. NISHITHA NATH KUNDU: You have lost your temper. That is not expected of you——

Mr. SPEAKER: Will you resume your seat? It is not a question of losing temper.

Mr. NISHITHA NATH KUNDU: You are gagging us unnecessarily and unreasonably.

Mr. SPEAKER: What did you say? Will you repeat it?

Mr. NISHITHA NATH KUNDU: It is no question of repeating. We are not school boys.

Mr. SPEAKER: But unfortunately I have got to play the role of a school master.

(Cries of "No, no" from Opposition Benches.)

Mr. CHARU CHANDRA ROY: On a point of privilege, Sir.

Mr. SPEAKER: Order, order. I am extremely sorry that when an irrelevant matter is talked about—and I say it is irrelevant—then also there should be support from other members that this irrelevant matter should be allowed. I never expected this. It may be that I am wrong in some of my rulings even. But even then, for the time being, that ruling has got to be obeyed; without that no business of the House can be carried on. That is perfectly true. You may think that I have lost my temper: that may be your impression; but it is not a question of losing temper. Here we are concerned with the consideration of a certain Bill which has got nothing to do with any misconduct on the part of a Minister-Chairman. If you try to bring in the misconduct of the Minister-Chairman in every thing, then it will be impossible to conduct the business of the House. In my humble opinion it is absolutely irrelevant and it should not be allowed.

Mr. SANTOSH KUMAR BASU: May I just make one observation, Sir, for your consideration? Whether a matter is relevant or irrelevant depends upon the way in which the speaker concerned puts it before the House. If he succeeds in making it relevant, it is for you to hold that it is so. Although apparently this matter may not relate to the Albert Victor Leper Hospital (Amendment) Bill, still it may be presented in such a way in relation to the subject-matter before us that it may become relevant. Our only grievance is that as soon as this matter was mentioned you declared it irrelevant without waiting to see how a finished parliamentarian like Dr. Sanyal could utilise this occasion to make it relevant. If after consideration of the matter you still hold that it is irrelevant, you can rule out the whole thing. But if at the very outset when mention of the Howrah Municipality is made you declare that it is irrelevant, then

the members on this side of the House do feel that you are not giving that consideration to this matter which is expected of you as Speaker of this House.

Mr. SPEAKER: Well, as this has come from the leader of a party I am constrained to say a few words in reply, and it is this: it is certainly the imperative duty of the Speaker to prevent irrelevant matter in the very beginning. If the whole thing is finished and then I declare it to be irrelevant, it will be of no use. Apart from that, it passes my comprehension how in the course of consideration of a Bill like the Albert Victor Leper Hospital (Amendment) Bill any one can bring in a question of the conduct of a particular person in connection with a particular municipality somewhere else. That struck me. That is why I considered it my imperative duty to stop it then and there, especially in view of what has happened with regard to this very matter. If a section of the House think that I have done something wrong, I am really sorry for it. But I have also got to do my duty according to my light, my knowledge and my experience, and that is what I have done; and I hope I will get the support of the entire House including the party of Mr. Basu in this affair.

Mr. CHARU CHANDRA ROY: On a point of privilege, Sir——

Mr. SPEAKER: Order, order. I will not allow any more discussion on this.

Mr. DHIRENDRA NATH DATTA: Sir, Dr Sanyal was referring to the right of disposal——

Mr. SPEAKER: Order, please. Will you kindly resume your seat? There ought not to be any more discussion on this. Mr. Datta, I know that everything on earth can be attempted to be brought in as relevant in connection with any matter. Why the Minister-Chairman in connection with the Albert Victor Leper Hospital (Amendment) Bill alone? Even America may be said to be not separated from India in spite of the ocean. But I have to judge relevancy according to my own light. I might have erred in my conception about relevancy, but even if I have erred, I think I am entitled to the support of the entire House.

Mr. SASANKA SEKHAR SANYAL: Sir, when you have referred to the House, will you kindly allow the Deputy Leader of the——

Mr. SPEAKER: Excuse me, Mr. Sanyal, I am not discussing that matter at all.

Mr. SASANKA SEKHAR SANYAL: Sir, I know that you are a human being and you are liable to commit mistakes, and we accept you with all your mistakes. But may we expect of you to consider one thing: while a member is being irrelevant or acting in a way which you consider to be improper you are there to pull him up, but at the same time you must remember that when you give your ruling you must not give that such a hard appearance as might wound our feelings because we have no remedy in our hands.

Mr. SPEAKER: Mr. Sanyal, it is painful for me certainly, being the Speaker of this House, to use any word that could wound the feelings of any member of this House. But circumstances compel me sometimes by degrees to use harder and harder expressions and you must have noticed that. That is all that I can tell you.

Dr. NALINAKSHA SANYAL: Sir, since it has been your ruling not to refer to a matter which affects the prestige of the Minister-Chairman even if it relates to the public conduct of a man I would not like to bring that matter before the House just now. Although I know that out of the 6 charges against that public man——

Mr. SPEAKER: Order, order. Dr. Sanyal, your leader is not here and I do not know how to deal with you. You say "I will not do this, I will not do that" but you began again by saying that out of 6 charges, etc., etc. That is a matter which you must not refer to. We are not considering the six charges or anything like that. It is absolutely unfair to the Speaker and unfair to the House. I do not like to use any stronger expression than this. I think I cannot allow you any more time. If you have got anything relevant to place before the House you can go on; otherwise I would ask you to sit down.

Dr. NALINAKSHA SANYAL: I know that from the highest man in the land downward including yourself you are all giving protection to a particular person.

Mr. SPEAKER: You are again referring to the same thing. I will not allow you to speak. You are absolutely irrelevant. If you speak anything relevant I can give you 5 minutes more.

Dr. NALINAKSHA SANYAL: Sir, the Bill that is before us has been with us for some time now. It seeks to amend the Bengal Act IX of 1935. Section 10 of that Act provides for power of the Board to acquire land which is very necessary, but, Sir, the Act is being amended to give the Board power also to sell land. I feel there is a good deal of lacuna therein because, in view of the manner in which public bodies are being now constituted and public men are conducting themselves such power to sell land should not be given because on the authority of the laws that we pass if somebody sells land and the land disappears and even after that no proper enquiry is held.....(laughter from the Government Benches)——Sir, these people are unnecessarily laughing.

Mr. SPEAKER: Please go on. You need not laugh also.

Dr. NALINAKSHA SANYAL: If my friends laugh like this while I am speaking what can I do? If the auditors' report says that there is no land wanting and no enquiry is held what can we do? Where is the remedy. Under the circumstances it is better not to give any power to the Board because such power is likely to be abused under the present regime. Land might disappear——(again laughter from the Government Benches).

Mr. SPEAKER: Why did you not put forward these arguments so long?

Dr. NALINAKSHA SANYAL: You did not allow me to speak. What can I do?

Mr. SPEAKER: Please go on. I can give you one more minute to finish.

Dr. NALINAKSHA SANYAL: Then, Sir, we find not only there is right provided to part with land by sale but also take land on lease or otherwise acquire. Now, the expression "otherwise acquire" is a very dangerous term as you may all guess. These words "otherwise acquire", Sir, I cannot understand. We have seen instances of some individual public man's property being increased (laughter).

Mr. SPEAKER: You are giving material for enjoyment.

Dr. NALINAKSHA SANYAL: I find they are all enjoying at my expense. I only hope that an opportunity will be provided by this Government, which is so very vociferous and loud in some respects, to let us have a proper forum for thrashing out the whole question which has led to so much unpleasantness today.

The Hon'ble Mr. TARAK NATH MUKERJEA: I have nothing to say in reply to what Dr. Sanyal has stated, but I would only refer him to sub-clause (*2*) of clause 2 where the Board is empowered to sell, lease, etc., only with the previous sanction of the Provincial Government.

The motion of the Hon'ble Mr. Tarak Nath Mukerjea that the Albert Victor Leper Hospital (Amendment) Bill, 1944, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill, was then put and agreed to.

The Hon'ble Mr. TARAK NATH MUKERJEA: I beg to move that the Albert Victor Leper Hospital (Amendment) Bill, 1944, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned at 7-5 p.m. till 4 p.m. on Monday, the 4th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 4th December, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble MR. SYED NAUSHER ALI) in the Chair, 8 Hon'ble Ministers and 139 members.

Obituary.

Mr. SPEAKER: Ladies and gentlemen, it is my melancholy duty to refer to the death of Mr. Tarinicharan Pramanik, a sitting member of the Assembly from Malda. Mr. Pramanik died on the 24th November last at the Azimganj hospital.

Simple and unassuming in manners, he was a gentleman of religious temperament and benevolent nature and possessed fine literary qualities.

I feel it is the desire of the House to send a message of condolence to the bereaved family. I hope members will signify their assent by rising in their seats.

(Members rose in their seats.)

Thank you, ladies and gentlemen. Secretary will take necessary action

The House stands adjourned till 4 p.m. tomorrow.

Adjournment.

The House was then adjourned at 4-5 p.m. till 4 p.m on Tuesday, the 5th December, 1944, at the Assembly Buildings, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on **Tuesday, the** 5th December, 1944, at 4 p.m.

Present:

Mr. Deputy Speaker (Mr. SYED JALALUDDIN HASHEMY) in the Chair, 10 Hon'ble Ministers and 188 members.

STARRED QUESTIONS

(to which oral answers were given)

Adviser to the Director of Industries, Bengal.

***44. Miss MIRA DUTTA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*i*) who is the Engineering Adviser to the Director of Industries, Bengal;

(*ii*) whether he is a Hungarian; and

(*iii*) if so, whether his movements are or were ever restricted?

(*b*) If the reply to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason why he has been appointed in such a responsible post?

(*c*) Will the Hon'ble Minister be pleased to state his Engineering qualifications, theoretical and practical?

(*d*) Is it a fact that his behaviour to subordinate staffs is rude and that he actually assaulted his office assistants?

(*e*) Has the Hon'ble Minister received a petition from any officer complaining about the rude behaviour and assault on officers by the said Engineering Adviser?

(*f*) If so, will the Hon'ble Minister be pleased to state what steps, if any, have been taken thereon?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): I want the permission of Mr. Deputy Speaker to read out the answer in an amended form.

Mr. DEPUTY SPEAKER: Yes.

The Hon'ble Mr. K. SHAHABUDDIN: The Engineer has been working in the War Supplies section under Mr. S. C. Mitter who was then functioning as an agent of the Central Government in the matter of war supplies and was solely responsible to that Government in this respect. The War Supplies section has since been taken over by the Central Government under their direct control, and I do not therefore feel competent to answer the question which relates to a matter of administration for which I am not responsible.

Requisition of Patiya Guru Training School buildings by the Military.

***45. Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that the Patiya Guru Training School building within Chittagong district was requisitioned for the military;

(*ii*) that the said school was proposed to be transferred to the Shakpur High English School compound on the recommendation of th District Inspector of Schools and approved by the District Magis trate;

(*iii*) that Rs.2,000 was sanctioned for the construction of new houses fo the Gurus; and

(*iv*) that the Shakpura High English School Committee agreed by resolution to give necessary land free of rent?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Ministe be pleased to state the reason why the Divisional Inspector of School overrode the recommendations of two District Inspectors?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table copies o the reports of the two District Inspectors?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'bl Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) Representations were subsequently received from influential quarter of Patiya for the retention of the Guru Training School at Patiya. The District Magistrate ultimately agreed to the proposal in consideration of the public demand and of the greater facilities available at Patiya.

(*c*) In view of the reply to (*b*) no useful purpose will be served by placing on the Table copies of correspondence of the local inspecting officers.

Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state the names of the influential persons?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Health of Babu Hiralal Maity, a security prisoner.

21. Mr. ISWAR CHANDRA MAL: (*a*) Is the Hon'ble Minister in charge of Home (Jails) Department aware of the fact—

(*i*) that security prisoner Babu Hiralal Maity, detained in Midnapore Central Jail, suffered from tooth trouble followed by disorder in the food digestion during his detention;

(*ii*) that his two molar teeth have been extracted;

(*iii*) that he was warned by the Jail Dentist that he would lose more teeth if the extracted teeth were not replaced in proper time by false teeth;

(*iv*) that the said Hiralal Babu applied to the Government to the said effect on the 28th October, 1943, followed by a reminder on the 1st December, 1943; and

(*v*) that he has been instructed by the Jail Doctor that another molar tooth is to be extracted?

(*b*) If the replies to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the steps that Government have taken on the applications; and

(*ii*) if no step has been taken, is he considering the desirability of sanctioning money for replacing the false teeth?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*), (*iii*) and (*iv*) Yes.

(*ii*) No, his one molar and canine teeth have been extracted.

(*v*) No.

(*b*) His applications were rejected by Government as his case did not satisfy the conditions under which dentures at Government cost are supplied to security prisoners.

Arrest and detention of Sj. Amulya Mukherjee.

22. Mr. NIHARENDU DUTTA MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Sj. Amulya Mukherjee of the district of Jessore was arrested and detained for about two months without any facilities to communicate with members of his family, until he was brought to the Presidency Jail;

(*ii*) that during this period his old mother of about 80 years of age, and ailing wife were left without any trace or news of Sj. Mukherjee's whereabouts;

(*iii*) that Sj. Mukherjee's wife succumbed to the shock and became insane;

(*iv*) that Sj. Mukherjee applied to Government from the Presidency Jail for certain facilities to attend to his wife and to arrange proper medical treatments for her; and

(*v*) that afterwards he was transferred to Delhi?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) what facilities, if any,

(A) he asked for, and

(B) Government accorded to him in response to his petitions relating to the ailment of his wife;

(*ii*) what is the present condition of his—

(A) wife, and

(B) mother;

(*iii*) whether Government have granted any allowances for—

(A) their maintenance, and

(B) the treatment of Mrs. Mukherjee?

(*iv*) where precisely Sj. Mukherjee has been lodged at present for his detention; and

(*v*) what are the grounds for his detention?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) and (*ii*) No.

(*iii*) My information is that she suffered from insanity on a previous occasion and that after her husband's arrest she had a temporary relapse.

(*iv*) and (*v*) Yes.

(*b*)(*i*) (A) He prayed for one month's home leave.

(B) No action was possible as he had already been transferred to the custody of the Chief Commissioner, Delhi.

(*ii*) They are reported to be keeping quite fit.

(*iii*) An allowance of Rs.30 per month has been granted by the Government of India.

(*iv*) and (*v*) I have no information.

Sj. Sushen Mukherjee, a security prisoner.

23. Mr. NIHARENDU DUTTA MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that he was informed by security prisoner Sj. Sushen Mukherjee of "Amar Kutir", Bolpur, now lodged in the Presidency Jail that the Kopai floods in July last caused heavy damage to his workshops, farm and homestead;

(*ii*) that he had urgently asked for the grant of home leave for 15 days only, under any conditions to the satisfaction of Government to enable him to mitigate the effect of damage and losses of his property;

(*iii*) that he had earlier requested Government to grant him similar facilities to enable him to save his business farms; and

(*iv*) that he had addressed written communications to Government to the above effect?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether Mr. Mukherjee was granted home leave as asked for or any other facilities to enable him to save his property and minimise his losses during the Kopai floods;

(*ii*) how many written communications Mr. Mukherjee addressed to him;

(*iii*) the dates thereof relating to his prayer for home leave; and

(*iv*) whether any of the aforesaid communications were replied to by Government?

(*c*) If the answers to (*b*)(*i*) and (*iv*) are in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) whether Government made any enquiries and ascertained the losses sustained by Mr. Mukherjee as stated in his written communications to him; and

(*ii*) whether Government are considering the desirability of granting him home leave?

(*e*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that Mr. Mukherjee is about 60 years of age;

(*ii*) that he is a bachelor without any relations of his own to look after his property and business; and

(*iii*) that he is the proprietor and manager of two manufacturing farms, viz.—

(1) S. S. Stores & Agencies, Calcutta (now closed down since his arrest and detention),

(2) Bengal Stores & Agencies, Bombay, with their manufacturing workshops at "Amar Kutir", Bolpur, and of an extensive agricultural farm at the latter place?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*), (*ii*) and (*iv*) Yes.

(*iii*) No.

(*b*)(*i*) No.

(*ii*) Two.

(*iii*) 19th and 27th July, 1943.

(*iv*) Yes.

(*c*) The water subsided soon after the security prisoner's representation for home leave and the inmates of "Amar Kutir" took up the repairs of the damages caused by the floods.

(*d*)(*i*) Yes.

(*ii*) No.

(*e*)(*i*) Yes.

(*ii*) and (*iii*) I have no information except that he has an elder brother.

Wakf estates in Bengal.

24. Khan Bahadur Haji BADI AHMED CHAUDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state

what works of public utility or works in respect of the improvement of *wakf* estates have been done by the Board of Wakfs since its establishment in 1936-37 particularly the recovery of the Wakf estates?

(*b*) Will the Hon'ble Minister be pleased to lay on the Table a statement showing—

(*i*) (A) the income, and (B) the expenditure of the Board of Wakfs, year by year, from 1936-37 to 1942-43 separately, the income in respect of Wakf contribution and expenditure for maintenance of the staff and in the improvement of Wakf estates;

(*ii*) the number of Mutwallis who have been prosecuted for non-payment of Wakf contribution;

(*iii*) the movable or immovable properties of how many Wakf estates have been sold for realisation of arrear contribution;

(*iv*) the names of Wakf estates under the direct management of the Board of Wakf, estates under the direct management of the Board of Wakfs through its agent, the official Mutwalli, during each of the years since 1936-37; and

(*v*) what improvements have been made in those estates during the period they have been under the management of the Board?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the Annual Reports on the working of the Board of Wakfs for the years 1936-37 to 1942-43 have been published;

(*ii*) if not, why not; and

(*iii*) for what years they have been published?

(*d*) Will the Hon'ble Minister be pleased to lay on the Table the Annual Reports which have been published up till now?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) There is no provision in the Wakf Act for the Wakf Board doing any work of public utility. Mutwallis are to carry out the wishes and directions of Wakifs as laid down in the Wakf deeds and the Board has to ensure proper administration of Wakf estates. Since the introduction of the Wakf Act, the Board has been able to enforce proper maintenance of accounts and thus prevent wastage in good many cases, to restore to much better condition many of the neglected mosques, Dargahs, Imambarahs, etc., and to remove many irresponsible and dishonest Mutwallis. On account of its slender resources the Board has not been able to take legal steps in a greater measure for the recovery of properties lost long ago but it has been able effectively to check further transfer of Wakf properties.

(*b*)(*i*) Two statements are laid on the Table.

(*ii*) 108 up to 1943-44.

(*iii*) None.

(*iv*) The Board of Wakfs does not manage any Wakf estate direct. A statement is laid on the Table showing the estates under the management of the Official Mutwalli.

(*v*) Repairs, payment of large accumulations of Corporation taxes, contesting successfully suits and criminal cases, regular payment of the dues of the beneficiaries, etc., are the improvements effected under the management of the Official Mutwalli.

(*c*) and (*d*) Annual Report for 1936-37 has been published, and a copy is laid on the Library Table. Reports for the years 1937-38 to 1939-40 are ready for publication and those for subsequent years are under preparation. Paucity of hands in the office, scarcity of paper and high cost of printing are mainly responsible for the delay in the preparation and publication of the Annual Reports.

Statement referred to in reply to (A) of clause (b)(i) of unstarred question No. 24.

Year.	Realisation. Rs. a. p.
1936-37	72,584 0 0
1937-38	80,582 0 0
1938-39	75,286 11 0
1939-40	83,067 15 0
1940-41	86,280 11 0
1941-42	83,165 9 9
1942-43	67,135 1 4

Statement referred to in reply to (B) of clause (b) (i) of unstarred question No. 24.

Item.	1936-37.	1937-38.	1938-39.	1939-40
	Rs.	Rs a. p.	Rs. a. p.	Rs a p.
(1) Maintenance of Wakf Board.	1,000	867 0 0	476 4 0	658 14 0
(2) Commissioner of Wakfs	23,935	24,000 0 0	24,000 0 0	13,235 0 0
(3) Other officers ..	7,983	5,952 9 0	5,261 5 0	8,328 11 3
(4) Staff (Inspecting, ministerial and menials).	16,285	21,803 10 0	28,220 14 9	29,445 13 3
(5) Protection and improvement of Wakf estates.	3,500	1,548 12 0	2,109 10 0	7,348 4 6
Total ..	52,703	54,171 15 0	60,068 1 9	59,016 11 0
Other Expenditure ..	9,361	50,949 7 3	1,06,082 11 1	66,195 6 10

Item.	1940-41.	1941-42.	1942-43.	Total.
	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.
(1) Maintenance of Wakf Board.	753 6 0	422 2 0	247 2 0	4,424 12 0
(2) Commissioner of Wakfs	16,001 0 0	12,832 14 0	15,604 0 0	1,29,607 14 0
(3) Other officers ..	5,154 0 0	5,700 0 0	4,671 3 0	43,050 12 3
(4) Staff (Inspecting, ministerial and menials).	37,284 4 6	35,213 4 0	34,825 15 0	2,03,078 13 6
(5) Protection and improvement of Wakf estates.	2,319 1 0	731 12 6	1,484 9 3	19,042 1 3
Total ..	61,511 11 6	54,900 0 6	56,832 13 3	3,99,204 5 0
Other Expenditure ..	69,129 5 6	80,116 15 9	28,394 13 9	4,10,229 12 0

Statement referred to in reply to clause (b) (iv) of unstarred question No. 24.

1937-38.

1. Miar-ber-Khagrajal Wakf Estate at Chinsura, Hooghly (since released).
2. Basri Shah Dargah Wakf Estate at 17, Chitpore Bridge Approach.
3. Late Tasaddaque Hossain Wakf Estate at 30, Mechuabazar Street (released on the 2nd November, 1939).
4. Elahi Buksh Butler Wakf Estate at 10, Ekbalpore Lane, Kidderpore.
5. Ghutyari Shariff Dargah Wakf Estate at Bansra under the police-station Canning, 24-Parganas.
6. Venkey Rao Wakf Estate at 153, Keshab Chandra Sen Street.

1938-39.

1. Lasker Line Mosque Wakf Estate at 5, St. George's Gate Road, Hastings.
2. Dulari Bibi Wakf Estate at 2, Gas Street (released on the 2nd September, 1940).
3. Mir Ramzan Ali Wakf Estate at 14, Eden Hospital Road.
4. Abdur Rohim Wakf Estate at 39, Mirpara Lane, Salkia, Howrah.
5. Md. Tayeb Wakf Estate at 25, Collin Street.
6. Pagla Pir Dargah Wakf Estate at Tollyganj, 24-Parganas (since released).
7. Olfatunnessa Khatun Wakf Estate at Barisal (released on the 21st February, 1940).
8. Munshi Hassan Ali Wakf Estate at 11, Ramsanker Roy Lane.
9. Bibibazar Mosque Wakf Estate at 21B, Gunfoundry Road.
10. Muniruddin Ahmed Wakf Estate at 27/2, Upper Circular Road.

1939-40.

1. K. B. H. Md Hossain & ors. Wakf Estate at 8 & 41, Zakaria Street.

1940-41.

1. Munshi Hassan Ali Wakf Estate at 11, Ramsankar Roy Lane.
2. Late Illahadad Wakf Estate at 102, Ripon Street (since released).
3. Ramzan Ali Mullick Wakf Estate at Bargachia, Howrah (released on the 29th November, 1940).

1941-42.

1. Munshi Gholam Md. Jan Wakf Estate at 27, Tiljala Road.

1942-43.

1. Dhubin Talab Mosque Wakf Estate at 142B, Beliaghata Road.

1943-44.

1. Haji Babullah Wakf Estate at 16, Ripon Lane.
2. Miahjan Khansama Wakf Estate at 15, Ramsanker Roy Lane.
3. Md. Mozahar Ali Wakf Estate at 15/2, Bechulal Road.
4. Fatema Khatun Wakf Estate at 72, Jessore Road.

Inspectors of Factory Inspection Department.

25. Mr. GIASUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department, be pleased to state—

(*i*) the present total number of Inspectors in the Factory Inspection Department; and

(*ii*) how many of them are (1) Europeans, (2) Hindus and (3) Muslims?

(*b*) Is it a fact that some time ago advertisements were made calling for applications from Muslim candidates to fill up the post of an Inspector of Factories?

(c) If so, will the Hon'ble Minister be pleased to state whether a Muslim has been appointed to that post?

(d) If not, what are the reasons for not appointing a Muslim to the post as yet?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (a)(i) There are 9 Inspectors including the Chief Inspector.

(ii) (1) Europeons 4, (2) Hindus 4 and (3) Muslims 1.

(b) Yes.

(c) No.

(d) No qualified candidate fit for appointment was available and so the post has been thrown open to all communities.

Filling up of post of Chief Inspector of Factories.

26. Mr. CIASUDDIN AHMED: (a) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state whether it is a fact—

(i) that the Chief Inspector of Factories is on leave preparatory to retirement; and

(ii) that there is soon going to be a vacancy in the post?

(b) If so, will the Hon'ble Minister be pleased to state whether the vacancy is going to be filled up by the Public Service Commission?

(c) If not, will the Hon'ble Minister be pleased to state what are the reasons thereof?

The Hon'ble Mr. K. SHAHABUDDIN: (a) Yes.

(b) If the vacancy is filled by promotion of one of the existing Inspectors, that is to say, by promotion within the service, a reference to the Commission is not necessary.

(c) Does not arise.

Reconstitution of Jalpaiguri District Board.

27. Mr. UPENDRA NATH BARMAN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(1) the total number of the (i) elected and (ii) nominated members of the Jalpaiguri District Board;

(2) the name and community, i.e., Caste Hindu, Scheduled Caste or Muslim in each case of the elected and nominated members of the (A) outgoing as well as of the (B) recently constituted Board;

(3) the criterion on which the nomination was given;

(4) the respective population figures of the 1931 and 1941 censuses of each community—Caste Hindu, Scheduled Caste and Muslims; and

(5) the reasons why no nomination was given to the Scheduled Caste in the recent constitution of the board?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (1)(i) 12 Elected members and (ii) 12 Nominated members.

(2) A statement is laid on the Table.

(3) Nominations are made in order to secure the services of persons specially fitted for appointment and to secure the association of officials in the administration of local bodies. In this case the interests of tea-gardens and landholders have also been considered.

(4) A statement is laid on the Table.

(5) Four Scheduled Caste members were elected and this was considered sufficient representation for the Scheduled Caste population.

Statement referred to in reply to clause (2) of unstarred question No. 27.

(A) OUTGOING BOARD.

Elected.

1. Babu Priya Nath Goswami—Caste Hindu.
2. Rai Sahib Nilmoni Das—Caste Hindu.
3. Babu Mohendra Lal Bose—Caste Hindu.
4. Babu Dhirendra Kumar Bhowmic—Caste Hindu.
5. Babu Birendra Kumar Guha—Caste Hindu.
6. Babu Bidhu Bhusan Karjee—Scheduled Caste.
7. Maulvi Md. Sukurulla—Muslim.
8. Maulvi Momtazuddin Prodhan—Muslim.
9. Babu Rajmohan Roy—Scheduled Caste.
10. Babu Rajendra Nath Roy—Scheduled Caste.
11. Babu Nityananda Roy—Scheduled Caste.
12. Mr. J. T. Young—European Christian.

Nominated

13. Mr. T Ward Allan—European Christian.
14. Mr. Geo. McIntosh, C.B.E., E.D —European Christian.
15. Mr. C. G. Smyth—European Christian.
16. Rai Joy Govindo Guha Bahadur—Caste Hindu.
17. Babu Nalini Ranjan Ghosh—Caste Hindu.
18. Rai Bahadur Bipulendra Nath Banerjee—Caste Hindu.
19. Subdivisional Officer, Sadar—Does not arise.
20. Subdivisional Officer, Alipur Duar—Does not arise.
21. District Traffic Superintendent, Bengal and Assam Railway—Does not arise.
22. Babu Madhusudan Roy—Scheduled Caste.
23. Khan Bahadur A. M. L. Rahman, M.L.A.—Muslim.
24. Khan Bahadur G. Kibria—Muslim.

(B) RECENTLY CONSTITUTED BOARD.

Elected.

1. Maulvi Lutfar Rahman—Muslim.
2. Maulvi Abdul Karim Mia—Muslim.
3. Maulvi Gomiruddin Prodhan—Muslim.
4. Rai Sahib Nilmoni Das—Caste Hindu.
5. Babu Dhirendra Kumar Bhowmic—Caste Hindu.
6. Rai Sahib Monis Chandra Roy—Caste Hindu.
7. Babu Nityananda Roy—Scheduled Caste.
8. Babu Surendra Nath Roy—Scheduled Caste.
9. Babu Nagendra Nath Roy—Scheduled Caste.
10. Babu Rajmohan Roy—Scheduled Caste.
11. Mr. J. T. Young—European Christian.
12. Mr. H. C. Jones—European Christian.

Nominated.

13. Mr. Geo. McIntosh, C.B.E., E.D.—European Christian.
14. Mr. T. Ward Allan—European Christian.
15. Mr. C. G. Smyth—European Christian.
16. Subdivisional Officer, Sadar—Does not arise.

17. Subdivisional Officer, Alipur Duar—Does not arise.
18. Babu Gobindo Sankar Sarbadhakshya—Caste Hindu.
19. Rai Bipulendra Nath Banerjee Bahadur—Caste Hindu.
20. Babu Ramaprosanna Sarkar—Caste Hindu.
21. Khan Bahadur Golam Kibria—Muslim.
22. Khan Bahadur Abdus Sattar—Muslim.
23. Khan Bahadur Mukhleswar Rahman, M.L.C.—Muslim.
24. Mr. Tozammal Hossain Prodhan—Muslim.

Statement referred to in reply to clause (4) of unstarred question No. 27.

Population according to 1931 census—

Hindus—650,216.
Muslim—231,014.

Scheduled caste figures were not separately shown in 1931 census.

Population according to 1941 census—

Hindus—

Scheduled Caste—324,155.
Caste not-returned—59,498.
Other Hindus—147,708
Total—531,361.
Muslim—244,232.

Rai Sahib MONOMOHAN DAS: In answer (5) the Hon'ble Minister has said that "four Scheduled Caste members were elected and this was considered sufficient representation for the Scheduled Caste population". But according to the Census Report of 1941 we find that the population of Caste Hindus is below 2 lakhs, still three members have been given nomination from them in spite of there being three elected members from amongst them; the Muslims also, their population being about only 2½ lakhs——

Mr. DEPUTY SPEAKER: What is your question?

Rai Sahib MONOMOHAN DAS: Sir, my question is this: According to the Hon'ble Minister, nomination has been given on the population basis. Now, when the population of the Scheduled Castes is much higher than that of other communities, will the Hon'ble Minister be pleased to state why the legitimate right of the Scheduled Castes has been curtailed?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): It is not a curtailment of the right of the Scheduled Castes. I have nothing further to add.

Rai Sahib MONOMOHAN DAS: The population of the Scheduled Castes is more than three lakhs, but no nomination has been given to them——

Mr. DEPUTY SPEAKER: That is an argument. Please put a plain question.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state why no nomination has been given to the Scheduled Castes?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that I have nothing further to add to answer (5).

Mr. UPENDRA NATH BARMAN: With reference to answer (3), will the Hon'ble Minister be pleased to state whether apart from the appointment of officials, the interests of tea garden and landholders, fitness for appointment was taken into consideration in other cases in the matter of making the nomination?

Khan Sahib HAMIDUDDIN AHMAD: Yes, Sir, the fitness of the persons nominated was taken into consideration as well as the interest represented by them.

Mr. UPENDRA NATH BARMAN: Is the Hon'ble Minister aware that there are eight Scheduled Caste Law graduates practising in the district town of Jalpaiguri?

Khan Sahib HAMIDUDDIN AHMAD: I do not know their number. I want notice.

Mr. UPENDRA NATH BARMAN: Will the Hon'ble Minister be pleased to state why Babu Madhusudan Roy who had been thought fit for appointment in the outgoing Board, was not thought fit for appointment in the new Board?

Khan Sahib HAMIDUDDIN AHMAD: Government considered that four members were sufficient to represent the Scheduled Castes and the question of taking into consideration the case of the gentleman now mentioned did not arise.

Mr. UPENDRA NATH BARMAN: Will the Hon'ble Minister be pleased to state why four members from the Scheduled Castes who were elected were thought fit as sufficient representation whereas in the case of Muslims three were not considered sufficient?

Khan Sahib HAMIDUDDIN AHMAD: I have nothing further to add.

Mr. UPENDRA NATH BARMAN: Will the Hon'ble Minister be pleased to state whether population basis was one of the considerations in the matter of these appointments?

Khan Sahib HAMIDUDDIN AHMAD: No, Sir.

Dr. NALINAKSHA SANYAL: Was patronage one of the considerations?

Khan Sahib HAMIDUDDIN AHMAD: No.

Mr. UPENDRA NATH BARMAN: Will the Hon'ble Minister be pleased to state whether population was not considered as one of the bases of appointment in the case of the district of Jalpaiguri alone, or has it been done in all other appointments in other districts also?

Khan Sahib HAMIDUDDIN AHMAD: In the matter of nomination the population basis is not always accepted as a principle for nominating persons.

Malaria epidemic and distribution of quinine in Burdwan district.

28. Mr. ADWAITA KUMAR MAJI: (*a*) Is the Hon'ble Minister in charge of the Public Health (Medical) Department aware that a serious type of malaria epidemic is now prevailing in the district of Burdwan?

(*b*) Is it a fact that quinine is not being properly and adequately distributed through the physicians and other agencies?

(*c*) Is the Hon'ble Minister aware—

(*i*) that Civil Surgeon, Burdwan, has been appointed as the sole authority for quinine rationing; and

(*ii*) that he does not get any time to dispose of the applications for quinine required by the physicians?

(*d*) Is it a fact that a small quantity of quinine is supplied to each physician?

(*e*) Will the Hon'ble Minister be pleased to state what is the quantity of quinine that is allotted to a doctor per month?

(*f*) Is the Hon'ble Minister considering the desirability of—

(*i*) distributing quinine on Health drive measure to combat malaria; and

(*ii*) increasing quota of quinine distributed to the local physician?

(*g*) Will the Hon'ble Minister be pleased to state what is the quantity of quinine supplied to all the physicians of Burdwan from the 4th January to 30th April, 1944?

(*h*) Is the Hon'ble Minister aware that deaths due to malaria are very large in this year?

(*i*) Will the Hon'ble Minister be pleased to state what steps are going to be taken by the Government for preventing malaria cases in Burdwan?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) The present malarial situation is almost normal throughout most of the districts.

(*b*) No.

(*c*)(*i*) Yes.

(*ii*) No.

(*d*) and (*e*) Each physician is given one pound per month on the average.

(*f*) No.

(*g*) Cinchona products 1,430 lbs. and Mepacrine 5,000 tablets.

(*h*) The mortality was high at the beginning of the year but has steadily fallen.

(*i*) Except for the complete extermination of malaria-carrying mosquitoes there is no other means for the prevention of malaria; it can only be treated by a proper course of anti-malarial drugs; the Government will make these available.

Children's Ward in Calcutta Medical College Hospital.

29. Mr. ABUL HOSAIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the charge of the Children's Ward of the Calcutta Medical College Hospital has been recently given to a junior visiting physician of that institution?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons thereof;

(*ii*) whether the move was made from the Superintendent, Medical College Hospitals;

(*iii*) whether he was consulted in this matter;

(*iv*) whether the post was advertised; and

(*v*) whether the question of inviting applications from the most efficient persons was considered.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) Yes.

(*b*) (*i*) Because it was thought desirable to place the children's cases under a doctor who had taken special training in children's diseases and who was free of professorial duties.

(*ii*) No.

(*iii*) Yes.

(*iv*) and (*v*) An advertisement has been issued inviting applications for the post on a permanent basis; this arrangement has been made temporarily pending the appointment to be made after advertisement.

Superintendents of Collectorates in Bengal.

30. Mr. SHAH SYED GOLAM SARWAR HOSAINI: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) who are the appointing authorities of the Superintendents in the office of the Collectorates in Bengal;

(*b*) how many such posts of Superintendents in the office of the Collectors are there in Bengal;

(*c*) how many of them are Muslims;

(*d*) how many are on extension after the expiry of the prescribed period of their service;

(*e*) whether the Communal Ratio Rules are strictly followed in the Collectorates; and

(*f*) if not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) The Board of Revenue, Bengal.

(*b*) 27.

(*c*) 4.

(*d*) Under rule 76 of the Bengal Service Rule, Part I, a member of the clerical staff may remain in service up to the age of 60 years unless he is required to retire at any time after attaining the age of 55 years. None of the Superintendents have attained the age of 60. Only 5 of them are over 55 years but none of them have been required to retire by the appointing authorities as they are still fit to serve.

(*e*) Yes. Superintendents are appointed from a Provincial list prepared in consultation with Commissioners of Divisions at their annual conference. Selections are made mainly on the principle of merit-*cum*-seniority but not overlooking the legitimate claims of deserving Muslim clerks in the district clerical cadre. The Communal Ratio Rules are not applicable in respect of promotions

(*f*) Does not arise

STARRED QUESTIONS

(to which oral answers were given)

Arrest of Maulana Md. Maniruzzaman Islamabadi, M.L.A., and family allowance for him.

***45A.** (SHORT NOTICE.) **Mr. GIASUDDIN AHMED:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the reason for the arrest and detention of Maulana Md. Maniruzzaman Islamabadi, M.L.A.;

(*ii*) the place where the said Maulana Sahib is lodged; and

(*iii*) whether any arrangement has been made for the family allowance of the Maulana Sahib?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*i*) and (*ii*) The action regarding arrest and transfer out of Bengal of Maulana Maniruzzaman Islamabadi, M.L.A., was taken at the instance of the Government of India. I must in the public interest decline to furnish any further details.

(*iii*) This is a matter for the Government of India.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what he means by the term "at the instance of the Government of India"? Did the Bengal Government have anything to do in this connection or not?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to my reply where I stated that the action was taken at the instance of the Government of India.

Dr. NALINAKSHA SANYAL: May I enquire what action the Government of Bengal took in this connection?

Khan Bahadur MOHAMMED ALI: The Government of Bengal carried out the wishes of the Government of India.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, before the Government of India gave any direction in connection with Maulana Md. Maniruzzaman Islamabadi, the Government of Bengal or any officer or officers thereof reported anything about the activities of this gentleman to the Government of India or not?

Khan Bahadur MOHAMMED ALI: I have nothing further to add.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that Government of India's aid was invoked by the Bengal Government with a view to avoid unpleasant situation with regard to certain Muslim section of the population in Bengal?

Khan Bahadur MOHAMMED ALI: That is absolutely incorrect.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that the Government of Bengal wanted to avoid the ignominy of placing under arrest on their own responsibility a person of the standing of Maulana Md. Maniruzzaman Islamabadi and secretly reported to the Government of India and obtained from them the authority to place him under arrest and deportation?

Khan Bahadur MOHAMMED ALI: That is a malicious insinuation and it is a falsehood.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government have any evidence to show or are in a position to controvert the statement which he characterises as malicious?

Khan Bahadur MOHAMMED ALI: Yes, Sir; I have stated that the action was taken at the instance of the Government of India and all the insinuation that is being cast by Dr. Sanyal is wrong and false.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that roughly about four weeks before the arrest of Maulana Md. Maniruzzaman Islamabadi the Home Department over the signature of the Chief Secretary of the Government of Bengal forwarded a note to the Government of India purported to emanate from the Intelligence Branch of the C.I.D.?

Khan Bahadur MOHAMMED ALI: I am not aware of it.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether prior to the arrest of Maulana Md. Maniruzzaman Islamabadi there was a correspondence between the India Government and the Bengal Government?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether after the arrest of this gentleman any report was asked for by the Bengal Government asking information as to the reasons of the arrest?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether prior to or after the arrest there was any correspondence between the two Governments and whether this Government is prepared to publish the gist of that correspondence?

Khan Bahadur MOHAMMED ALI: That is not at all considered necessary. The Government of India gave directions and the Bengal Government gave effect to those directions.

Mr. SASANKA SEKHAR SANYAL: What is the section under which the arrest was made?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: What is the section under which the officers of the Bengal Government put this gentleman in custody?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Is there any file in the Home Department to show the provisions under which he has been arrested and the reasons for which the arrest has been made?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister consider the desirability of referring to that file in order to give the answer to the question as to under what section he was put under arrest?

Khan Bahadur MOHAMMED ALI: I have asked for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether after the arrest and after his removal from this province there has been any correspondence between the Bengal Government and the India Government?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. SASANKA SEKHAR SANYAL: After receiving notice of this question, will the Hon'ble Minister be pleased to state whether this Government made any reference to the India Government in the light of the question put?

Khan Bahadur MOHAMMED ALI: No.

Mr. SASANKA SEKHAR SANYAL: Why not?

Khan Bahadur MOHAMMED ALI: That is not this Government's esponsibility.

Mr. SASANKA SEKHAR SANYAL: Sir, my question has not been eplied. My question is, after this question was given notice of, whether he Bengal Government in order to give reply to this question made any eference to the India Government asking for the particulars.

Khan Bahadur MOHAMMED ALI: Sir, when it is not the responsibility of this Government it was not considered necessary to refer the matter o the Government of India

Mr. SASANKA SEKHAR SANYAL: Then are we to understand that when a subject of the Bengal Government is arrested even at the instance of any other Government, this Government owns no responsibility in the matter of information regarding that restrainee?

Khan Bahadur MOHAMMED ALI: No, Sir.

Srijut NARENDRA NATH DAS GUPTA: Was the Bengal Government at any stage consulted by the India Government in connection with his arrest?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Arrest of Maulana Md. Maniruzzaman Islamabadi, M.L.A.

*45B. (SHORT NOTICE.) **Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(i) the circumstances under which Maulana Md. Maniruzzaman Islamabadi, M.L.A., has been put under arrest; and

(ii) the nature of the offence committed by him?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): The action regarding arrest and transfer out of Bengal of Maulana Maniruzzaman Islamabadi, M.L.A., was taken at the instance of the Government of India. I must in the public interest decline to furnish any further details.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether prior to the arrest of this gentleman any reference was made to this Government by the India Government?

Khan Bahadur MOHAMMED ALI: Direction was given to arrest him.

Mr. SASANKA SEKHAR SANYAL: My question is, before the direction of arrest whether any reference by way of enquiry or otherwise was made to this Government.

Khan Bahadur MOHAMMED ALI: I ask for notice

Dr. NALINAKSHA SANYAL: Will the person who has taken upon himself the responsibility for answering be pleased to state what this singular number "I" indicates? Does it indicate the Secretary of the department concerned?

Khan Bahadur MOHAMMED ALI: This "I" represents the Government of Bengal.

Dr. NALINAKSHA SANYAL: Will the honourable member please state if he is aware that the Government of Bengal generally takes responsibility with plural number Since when they have become singular?

Khan Bahadur MOHAMMED ALI: That is not a question.

Dr. NALINAKSHA SANYAL: It is a question of propriety. May I submit that this question was also raised in this House some time back when some Parliamentary Secretary sought to reply on behalf of the Minister concerned and it was held by the Speaker that the proper form in which such replies should be given would be "The Hon'ble Minister in charge considers", if there is any statement of this character, not "I", because the Parliamentary Secretary concerned has no legal authority to represent the Government as such nor can he give an answer himself as also in the name of the Hon'ble Minister.

Mr. DEPUTY SPEAKER: Dr. Sanyal, any way I have allowed him to answer in that way.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the Provincial Government supplied any information to the Central Government with regard to the activities of Maulana Md. Maniruzzaman Islamabadi?

Khan Bahadur MOHAMMED ALI: Sir, I want to make it clear that the Government of Bengal had nothing to do in the matter of suggesting the arrest of this prisoner. The direction came from the Government of India.

Mr. SASANKA SEKHAR SANYAL: In view of the fact that several supplementaries have been put in answer to which notice has been asked, will the Hon'ble Minister consider the desirability of forwarding a copy of the interpellations to the India Government asking for information as may be available?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. SASANKA SEKHAR SANYAL: Why not?

Khan Bahadur MOHAMMED ALI: Because the matter is within the primary responsibility of the Government of India.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if any department of police in Bengal had to do anything in connection with the arrest of Maulana Md. Mamruzzaman Islamabadi?

Khan Bahadur MOHAMMED ALI: They only gave effect to the directions of the Government of India.

Mr. ATUL CHANDRA SEN: Is the Government of Bengal aware of any subversive activities of Maulana Md. Mamruzzaman Islamabadi?

Khan Bahadur MOHAMMED ALI: I must decline to answer in the interest of safety.

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware of any machinery of the Central Government to get information about the political activities of Bengalees in Bengal?

Khan Bahadur MOHAMMED ALI: I must decline to answer that question in the interests of public safety and security.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if this Government was in any way aware of any subversive activities of this gentleman before such a direction came from the India Government?

Khan Bahadur MOHAMMED ALI: I have nothing further to add.

Mr. SASANKA SEKHAR SANYAL: On a point of privilege, Sir. The question refers to a gentleman who is a sitting member of the House and the facts of his detention and arrest have prevented him from taking his rightful place in the deliberations of this House. We have expressed our anxiety to the Government asking for the reasons of his detention in so far as the reasons are available in themselves and in so far as they can get relevant information from the arresting authorities, but as the Government have declined to help us in this matter, we, on behalf of this House, as a question of privilege, put it before you asking you to send copies of this interpellation to the authorities of the India Government and asking for such information as they are in a position to give us.

Khan Bahadur MOHAMMED ALI: I would like to ask the honourable member what they did when they were in office when Mr. Sarat Chandra Bose was arrested.

Mr. SASANKA SEKHAR SANYAL: The persons who are in office today are able to answer the question.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Chief Minister aware that the Council of Ministers at that time approached the Government of India formally asking for the release of Mr. Sarat Chandra Bose and will he have the courage to look at the necessary file and give an answer to this question?

Mr. DEPUTY SPEAKER: Next.

Illness of security prisoner Babu Rabindra Nath Sikdar.

***45C.** *(SHORT NOTICE.) **Babu KHAGENDRA NATH DAS GUPTA** (*a*) Will the Hon'ble Minister in charge of the Home Department be please to state—

(*i*) whether it is a fact that security prisoner, Babu Rabindra Nat Sikdar, at present lodged in the Presidency Jail, has been suffer ing for a long time from bad type of cholecystitis and consequen constant pain in the gall-bladder;

(*ii*) whether it is a fact that he is having slow rise of temperature ever day for the last one year or more;

(*iii*) whether he has been considerably reduced in weight;

(*iv*) whether his condition has become alarming; and

(*v*) whether it is a fact that the Specialist of the Calcutta Medica College Hospital has recommended for his transfer to the Medica College Hospital for surgical operation of his gall-bladder?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of releasing him on medical ground in view of the grave condition of his health?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) to (*iii*) Yes.

(*iv*) No.

(*v*) He has since been examined by a visiting Specialist who has recommended his treatment in the Medical College Hospital as indoor patient.

(*b*) I am arranging for the prisoner's treatment as recommended by the visiting Specialist, and do not consider his case to be serious enough to require immediate release on medical grounds.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the visiting Specialist concerned had examined the patient?

Khan Bahadur MOHAMMED ALI: On the 6th October, 23rd October and 30th October.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when was this opinion given by him recommending his treatment in the Medical College Hospital as indoor patient?

Khan Bahadur MOHAMMED ALI: On the 30th October.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what action has been taken from 30th October right up to date to get proper medical treatment for the person concerned?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the reply (*b*) wherein it is stated that the Home Minister is arranging for the prisoner's treatment as recommended by the visiting Specialist.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, in the meantime, the disease has been definitely kept in abeyance at the request of the Government of Bengal? (Laughter.)

Khan Bahadur MOHAMMED ALI: That is a silly question.

Mr. DEPUTY SPEAKER: Order, order. What was your question?

Dr. NALINAKSHA SANYAL: It appears that for one month a person who is in jail has not got proper treatment, and before that for another month he has been suffering. My question is even though the Government's own appointed Specialist visited and examined the patient and recommended his treatment in the Calcutta Medical College, what action has Government taken during this long period of 35 days to get immediate and early treatment of the patient?

Khan Bahadur MOHAMMED ALI: The treatment as prescribed by the visiting Specialist is being continued.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to explain the delay in making arrangements for sending the patient to the hospital?

Khan Bahadur MOHAMMED ALI: It was only on the 30th October that the visiting Specialist gave his opinion, and after prescribing a course of treatment also recommended his transfer and treatment in the Medical College Hospital, and effect to that recommendation is being given by the Home Minister.

Mr. DHIRENDRA NATH DATTA: In answer to question (*a*)(*iii*) will the Hon'ble Minister be pleased to tell us what was his weight when he entered the jail and what was his weight when he was examined?

Khan Bahadur MOHAMMED ALI: The weight of the prisoner when he entered the jail was 110 lbs. and his present weight is 95 lbs.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that this prisoner was transferred from the Rajshahi Central Jail to the Presidency Jail under the recommendation of the Jail Superintendent of Rajshahi for treatment and examination by Specialists in the Calcutta Medical College?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state on what date did Government get the material for this answer, namely, that the prisoner's condition was not considered serious enough to require immediate release on medical grounds?

Khan Bahadur MOHAMMED ALI: On 18th November.

Mr. SASANKA SEKHAR SANYAL: Did Government get any reported information about the condition of the patient after that?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when was the short-notice question received?

Khan Bahadur MOHAMMED ALI: It was received after the 17th November—probably on the 18th.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what steps were taken by Government after the 18th?

Khan Bahadur MOHAMMED ALI: I am sorry I made a mistake. The report about the prisoner's condition is dated 22nd November; the question was received on the 18th November.

Mr. SASANKA SEKHAR SANYAL: What steps were taken by the Government of Bengal after the 22nd November?

Khan Bahadur MOHAMMED ALI: Arrangement for the transfer and treatment of the patient is being made.

Mr. SASANKA SEKHAR SANYAL: In what stage is the arrangement now?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Posting of police officers at Jalpaiguri for censoring letters, etc., of security prisoners of Buxa Special Reserve Jail.

*46. **Babu JNANENDRA CHANDRA MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) whether he is aware that some Police Officers had been posted at Buxa for censoring the letters and books, etc., of the security prisoners of the Buxa Special Reserve Jail;

(ii) whether the said Police Officers were suddenly withdrawn and transferred to Jalpaiguri on or about the 6th February, 1944;

(iii) whether all letters and books of the said security prisoners are thenceforth being censored at Jalpaiguri;

(iv) whether unusually long delays sometimes involving more than a month are now made in the delivery and despatch of letters to and from the said security prisoners; and

(v) whether the security prisoners of the Buxa Special Reserve Jail have sent complaints to the Government about these delays and have also brought these matters to the notice of the Hon'ble Minister by petitions and personal letters and telegrams to no effect?

(b) If the answer to (a) above is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(c) Will the Hon'ble Minister be pleased to state whether his assurance given in answer to Supplementaries to the starred question No. 15, dated the 14th September, 1943, that "if these grievances were brought to his notice he would certainly see that they were removed" and his statement made in the Bengal Legislative Assembly meeting on the 21st September, 1943, that the security prisoners ought now to be receiving letters within two or three days are being fulfilled?

(d) Is the Hon'ble Minister considering the desirability of posting Police or any other Officers at Buxa for censoring letters and books at a very early date?

(e) If so, when?

(f) If the answer to (d) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): The extra staff of Police Officers, previously posted at Buxa, were transferred to Jalpaiguri, as adequate accommodation was not available at Buxa. It is a fact that delays in the censoring of correspondence of security prisoners at Buxa did occur, but this was not due to the fact that the staff had been removed to Jalpaiguri but due to the fact that the staff had, for a time, to be taken away from the work of censorship and put on to the very much more important work of enforcement of control prices of foodstuff. This was an emergency and temporary measure and the entire staff have since been reposted at Buxa for the work of censoring and arrangement has been made for recruitment of necessary staff for enforcement of control prices by the re-employment of retired personnel.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many days' delay occurred due to the censoring of letters and books in the Buxa Special Reserve Jail as a result of this withdrawal of the necessary Police officers in the jail at Buxa?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Prosecution for holding a public meeting in Calcutta.

***47. Sj. ASHUTOSH LAHIRI:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if any prosecution has been launched against Sj. Sanat Kumar Roy Chowdhury, ex-Mayor, Calcutta, and Sj. Hari Prasanna Mitra, General Secretary, Hindu Students' Federation, Calcutta, for holding a public meeting at Sraddhananda Park on the 22nd April, last?

(b) If the reply to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(c) Will the Hon'ble Minister be pleased to state what is the present position regarding the right of citizens to hold public meetings—

(*i*) in Calcutta; and

(*ii*) in the districts?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) A prosecution was started against these persons, but has since been dropped.

(*b*) The prosecution was started erroneously.

(*c*) Except in the cities of Dacca and Calcutta, and the industrial area surrounding the latter where certain restrictions have been imposed on the holding of meetings, the right to hold public meetings in Bengal has not been curtailed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why was it that even after the declaration that the case was erroneously started, a subsequent attempt was made to proceed with some sort of prosecution of these gentlemen under other pleas?

Khan Bahadur MOHAMMED ALI: The first prosecution which I said was started erroneously was with regard to the holding of a meeting without permission, but actually the prosecution was launched for violation of lighting restrictions.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the prosecution first started was for holding unauthorised meetings and this was withdrawn or dropped at a later stage after the High Court decision was given acquitting a few of the accused?

Khan Bahadur MOHAMMED ALI: I do not know whether it was after the High Court decision, but it may be before the High Court decision.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what happened to the subsequent attempts at prosecuting some of these eminent persons on the ground of violating lighting restrictions?

Khan Bahadur MOHAMMED ALI: I have not got anything on record. If I can rely on my memory I think that they were acquitted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the case was pursued?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ASHUTOSH LAHIRI: Will the Hon'ble Minister be pleased to state if it is a fact that the Police reported to the Magistrate that Mr. Roy Chaudhury was absconding?

Khan Bahadur MOHAMMED ALI: I am not aware of it.

Mr. ASHUTOSH LAHIRI: Will the Hon'ble Minister be pleased to state if it is a fact that the Magistrate in his judgment found that the Police report was frivolous and untrue?

Khan Bahadur MOHAMMED ALI: I have already stated that I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what were the objects for which these public meetings were held?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that these meetings were held to protest against the Secondary Education Bill which the Government of the day was trying to pursue against the unanimous opinion of a large number of people of Bengal?

Khan Bahadur MOHAMMED ALI: I have already stated that I am not aware for what purpose the meetings were held, but I strongly protest against the statement contained in the question that the Secondary Education Bill was introduced against the unanimous opinion of a large section of the people of Bengal. That is not correct.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether similar prosecutions were made in respect of some other persons including Sj. Kiran Sankar Roy and Mr. Santosh Kumar Basu?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state why on the same grounds the two leaders of this House were prosecuted but then they were let off afterwards?

Khan Bahadur MOHAMMED ALI: I have said I ask for notice. I have not got the materials before me to answer that question.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the prosecutions were launched against all these honourable gentlemen in connection with meetings held to protest against the Secondary Education Bill?

Khan Bahadur MOHAMMED ALI: No such prosecutions were pursued.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state who were responsible for the error of prosecuting these citizens?

Khan Bahadur MOHAMMED ALI: I would ask for notice

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what are the restrictions which have been imposed on the holding of meetings outside Dacca, Calcutta and the industrial areas?

Khan Bahadur MOHAMMED ALI: Previous permission for holding meetings is necessary so far as those areas are concerned.

Mr. ASHUTOSH LAHIRI: Will the Hon'ble Minister be pleased to state if it is fact that Mr. Roy Chaudhury was prosecuted again in respect of the same meeting for violation of lighting restrictions and that he was subsequently acquitted?

Khan Bahadur MOHAMMED ALI: He was prosecuted for the violation of the order regarding restriction of lights.

Permission for holding public meetings in Calcutta.

*48. **Mr. JOGESH CHANDRA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether permission was taken for holding all public meetings in Calcutta after the promulgation of the order of 1941, by the Police Commissioner requiring permission to be taken for holding meetings in public places in Calcutta?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state what is the special reason, if any, for taking action for any particular meeting held at Sraddhananda Park on the 22nd April, 1944?

(*c*) If there is any special reason, will the Hon'ble Minister be pleased to state why no steps were taken—

(*i*) to communicate the same to the public before the 22nd April, or just after the date; and

(*ii*) to communicate the same to the organisers of the meeting that was held on the 22nd April at the Sraddhananda Park?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Not in all cases.

(*b*) There was no special reason. The prosecution was started erroneously and has since been dropped.

(*c*) Does not arise.

Charging of higher rates for controlled commodities supplied to security and State prisoners.

***49. Mr. PRATUL CHANDRA GANGULI:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that the price of rice charged to the security and State prisoners in the Alipore, Dum Dum, Dacca and Midnapore Central Jails and the Presidency Jail, in the months of December, 1943, and January, 1944, is more than Rs.32 per maund;

(*ii*) that the price of mustard oil charged to the security and State prisoners from the jail stock is Rs.2-5 per seer;

(*iii*) that controlled price of rice fixed by the Government is not more than Rs.18 per maund and the controlled price of mustard oil is Re.1-4 per seer; and

(*iv*) that the prices of rice and mustard oil charged to the security and State prisoners are much above the maximum prices fixed by the Government under Defence of India Rules?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether it is an offence under the Defence of India Rules for anybody to charge more than the maximum prices fixed by the Government; and

(*ii*) whether the Government have taken steps to find out the person or persons responsible for charging more than the controlled rate?

(*d*) If the answer to (*c*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the result thereof?

(*e*) If the answer to (*c*)(*ii*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) My information is that the statement is materially correct for only the Dacca and Alipore Central Jails and partially for the Dum Dum Central Jail. In the Presidency and Midnapore Central Jails, the charge in respect of rice was below the figure stated in (*a*)(*iii*) of the question.

(*ii*) No, except for the Alipore Central Jail where the charge was as stated by the honourable member.

(*iii*), (*iv*) and (*b*) to (*e*) The facts are that before the promulgation of controlled prices security prisoners, supplied with foodstuffs from jail stocks, were charged the prices at which the jail authorities had actually obtained their supplies. In many cases the jail supplies for the entire year had been purchased and stocked during a non-controlled period at prices which were higher than the controlled prices later promulgated. Owing to a misunderstanding of instructions, security prisoners in some jails continued to be charged at the price of original purchase instead of at the controlled rates. Since this was detected, steps have been taken to ensure that for foodstuffs supplied to security prisoners from jail stocks, prices higher than controlled prices are in no case charged. In cases where the original cost price of the articles supplied to security prisoners exceeds the controlled price at the time of supply, the difference is borne by Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when was this question received and when was the answer ready for delivery?

Khan Bahadur MOHAMMED ALI: This question was despatched from the Assembly on the 29th of January, 1944, and was received immediately afterwards.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the middle of January Government were addressed formally by certain prisoners of Dum-Dum Central Jail a petition inviting their attention to the charging of higher rates than the rates announced by Government to be the controlled rates at that time?

Khan Bahadur MOHAMMED ALI: I have already stated that due to some misunderstanding security prisoners were charged rates higher than controlled prices but as soon as this was detected Government issued orders that this should not be done in future, and even though Government had to pay more than the controlled prices the difference would be borne by Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when was this detected?

Khan Bahadur MOHAMMED ALI: I would ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that even after the matter was drawn attention to by a member of this House, namely, by my humbleself, the evil did continue in Dum-Dum Central Jail for a pretty long time to which again attention was drawn?

Khan Bahadur MOHAMMED ALI: No. A similar question was answered on the floor of this House on the 22nd May, 1944. I would refer the honourable member to my replies to the supplementary questions put by Dr. Nalinaksha Sanyal in this connection.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that during that answer it was accepted that certain jail authorities were charging higher rates on the false belief that the jail stocks were purchased for the whole year at much higher rates and these had to be levied?

Khan Bahadur MOHAMMED ALI: That was the misunderstanding previously but as soon as this was detected the point had been clarified and Government orders were explicit that security prisoners should not be charged anything in excess of the controlled prices.

Mr. NISHITHA NATH KUNDU: In view of the answer that supplies were made to the security prisoners at prices higher than controlled rates and in view of the fact that this was certainly a contravention of the Defence of India Rules, will the Hon'ble Minister be pleased to state what steps were taken by Government against those persons who were responsible for such contravention?

Khan Bahadur MOHAMMED ALI: I have said that it was a case of misunderstanding because Government stocks were purchased at a time when the controlled prices were not in force and Government purchases were effected for the whole year. Due to this misunderstanding officers thought that the entire money—the cost of purchasing all these articles—would have to be taken out by calculating the prices and therefore after the detection of this misunderstanding Government issued orders that even if the Government had to pay more the security prisoners must not be made to pay more than the controlled prices.

Mr. SASANKA SEKHAR SANYAL: In view of the fact that many private merchants had been prosecuted for such contravention in spite of the fact that their purchases were all of previous time, will the Hon'ble Minister be pleased to state what prevented Government from prosecuting those persons who were responsible for this contravention?

Khan Bahadur MOHAMMED ALI: I said that it was due to a misunderstanding. There was no question of profiteering. Only the cost of the articles was charged.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state if it is the policy of Government that there should not be any prosecution if the party can satisfy that the extra price was charged on account of some misunderstanding?

Khan Bahadur MOHAMMED ALI: In all such cases the honourable member will understand that it is the motive which counts most.

Mr. SASANKA SEKHAR SANYAL: Is it the policy of Government that when private merchants satisfy the authorities that they charged extra prices on account of some misunderstanding that will be accepted by Government?

Khan Bahadur MOHAMMED ALI: I have already said that it is of the essence of the Criminal Law that it is the motive which must be taken into account

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether Government has issued any circular intimating to the police authorities that whenever there is a good ground to believe that there was no motive of profiteering and that profiteering was done on account of some misunderstanding, no prosecution should be started?

Khan Bahadur MOHAMMED ALI: In such cases prosecutions have failed and the accused persons have generally been acquitted by the court.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what steps were taken by Government, if any, in order to withdraw the burden which was cast upon these prisoners on account of this difference between controlled prices and the prices actually charged?

Khan Bahadur MOHAMMED ALI: I have already stated that the difference between the excess price and the cost is being borne by Government

Mr. SASANKA SEKHAR SANYAL: Actually there was already some extra money which was taken from the prisoners' account. Has that been refunded to the prisoners?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state the desirability of ascertaining from these particular jails as to what was the extra amount of money which the prisoners were made to pay on account of this so-called misunderstanding so that they might be restituted to the former position of getting refund of this extra money?

Khan Bahadur MOHAMMED ALI: This will be ascertained and looked into.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if it is a fact that Government officials are deliberately placing orders at higher rates than the controlled rates?

Khan Bahadur MOHAMMED ALI: No, no.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that there are documental evidences that Government officials have placed orders at a rate higher than the controlled rate?

Khan Bahadur MOHAMMED ALI: Is he speaking generally or does it arise out of this question?

Mr. DEPUTY SPEAKER: Next question.

Mr. ATUL KRISHNA GHOSE: Mr. Deputy Speaker, Sir, my question has not been answered. If I say, generally, my question will be out of order. Therefore, my question is: will the Hon'ble Minister be pleased to state whether it is a fact that although Government had fixed controlled rates, Government officials placed orders at a rate higher than the controlled rate?

Khan Bahadur MOHAMMED ALI: So far as this case is concerned, it is not correct to say that there were controlled rates. Purchases were effected at a time when there were no controlled rates in force.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether there are other cases besides this case in which the officials placed their order at a rate higher than the controlled rate?

Khan Bahadur MOHAMMED ALI: I do not know what the honourable member means by other cases

Increment of family allowance of Sj. Devendra Nath Jha, a security prisoner.

***50. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Sj. Devendra Nath Jha, of village Bangitola, police-station Kaliachok, district Malda, at present a security prisoner in the Rajshahi Central Jail, had at the time of arrest a monthly income of Rs.150 from business in mango, from mango garden and cane-sugar, etc.;

(*ii*) that he has got a wife, a son 18 years and his wife and three minor unmarried daughters—all wholly dependent on him;

(*iii*) that his son, who will appear at the Matriculation examination this year, stays in a school boarding entailing a monthly expenditure of Rs.25 approximately;

(*iv*) that he has been from the date of arrest (September, 1942), granted a family allowance of Rs.20 a month, remitted in half-yearly instalments (Rs.120 at a time) and two such instalments have up till now been paid; and

(*v*) that a land with an annual income of Rs.400 was auctioned for a default of revenue?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether he considers it desirable to increase the family allowance; and

(*ii*) if not, why not?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) My information is that his income from mango business, etc., was about Rs. 25 per month.

(*ii*) Yes.

(*iii*) His son appeared at the last Matriculation examination from Malda High English School where he lived in the school boarding, the charges of which were about Rs.15 per month.

(*iv*) He is getting Rs.30 per month with effect from 1st April, 1943.

(*v*) Yes, but the annual income from the land would normally be less than Rs.200.

(*b*)(*i*) The family allowance has already been increased from Rs.20 to Rs.30 per month.

(*ii*) Does not arise.

Mr. ATUL CHANDRA KUMAR: With reference to reply (*a*)(*v*), in view of the fact that a land of the security prisoner, the annual income of which according to Government estimate is Rs. 200, has been auctioned for default of revenue during his detention, will Government be pleased to consider his case as a special one and grant him an increased allowance to cover this loss of Rs. 200 a year?

Khan Bahadur MOHAMMED ALI: His allowance has already been increased, as I have said.

Mr. ATUL CHANDRA KUMAR: His allowance has been increased from Rs. 20 to Rs. 30 per month. But my question is: in view of the fact that his land yielding an income of Rs. 400 a year, which according to Government estimate is Rs. 200, has been auctioned for a default of revenue, as will appear from reply (*a*)(*v*), during the detention of the security prisoner, will the Hon'ble Minister be pleased to consider his case as a special one and compensate him to the extent of Rs. 200 a year?

Khan Bahadur MOHAMMED ALI: Without ascertaining the reason as to why the land was sold and who was responsible for it, Government cannot commit anything.

Mr. DHIRENDRA NATH DATTA: Who was the auction-purchaser?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether Government would kindly consider his case favourably if a proper representation is made and Government is convinced of the genuineness of his case?

Khan Bahadur MOHAMMED ALI: If proper representation is made, Government may consider the case.

Increment of family allowance of Sj. Sachin Kar, a security prisoner.

***51. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Sachin Kar, of village Nara, police-station Palong, district Faridpur, at present a security prisoner in the Rajshahi Central Jail, used to earn as a Homeopathic doctor about Rs.50 a month;

(*ii*) that with this income he used to maintain his family of 7 members including his mother, wife and son;

(*iii*) that he is being given a family allowance of Rs.30 a month;

(*iv*) that, there being no other earning member, with this money, in these days of high cost of everything, it is impossible to meet even the barest expenses of the family;

(*v*) that he had written repeatedly to the Government to increase his family allowance;

(*vi*) that the last reminder was sent on 1st January, 1944; and

(*vii*) that he has got no reply to any letter as yet?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of increasing his family allowance during the period of his detention?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) and (*ii*) No.

(*iii*) Originally an allowance of Rs.20 per month was granted to the prisoner's wife with effect from 24th October, 1942. and subsequently his mother was granted an allowance of Rs.10 per month with effect from 1st April, 1943, and the wife's allowance has been enhanced to Rs.30 per month with effect from 1st March, 1944 The total family allowance now sanctioned is Rs.40 per month.

(*iv*) and (*b*) Do not arise.

(*a*) (*v*) to (*vii*) I refer the honourable member to my answer to (*a*) (*iii*).

Regarding prisoners convicted in Daspur murder case.

*52. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the prisoners—

(*i*) Sj. Jogendra Chandra Hazra,
(*ii*) Sj. Sital Chandra Bhattacharyya, and
(*iii*) Sj. Kanan Behari Goswami,

lodged in the Rajshahi Central Jail, were convicted in Daspur murder case and sentenced to transportation for life?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the date when the sentence was passed;
(*ii*) whether the usual term of imprisonment which is considered equivalent to transportation for life has expired;
(*iii*) if so, when did it expire; and
(*iv*) if not, when it will expire?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason why the prisoners have not been released up till now?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the prisoner Sj. Sital Chandra Bhattacharyya suffered from derangement of brain or insanity; and
(*ii*) if so, what is his condition now?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) whether these prisoners are classified; and
(*ii*) if not, the reasons thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) (*i*) Jogendra Hazra and Sital Chandra Bhattacharyya—On 25th September, 1930. Kanan Behari Goswami—On 30th October, 1930

(*ii*) and (*d*) (*i*) No.

(*b*) (*iii*) and (*d*) (*ii*) Do not arise.

(*b*) (*iv*) Jogendra Hazra and Sital Chandra Bhattacharyya—On 25th September, 1950, less the remission earned.

Kanan Behari Goswami—On 30th October, 1950, less the remission earned.

(*c*) Jogendra Hazra has since been released under the 14 years' rule but Sital Chandra Bhattacharyya and Kanan Behari Goswami have not yet been released under this rule on grounds of security.

(*e*) Only Kanan Behari Goswami was classified in division II. The other two prisoners were not considered eligible for higher classification under Jail Code Rule 617(2).

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state when did the period of earned remission entitle them to be released in the case of the three security prisoners?

Khan Bahadur MOHAMMED ALI: Under the Jail Code Rules their releases are due, as I have already said, on the dates mentioned in reply (*b*)(*iv*).

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state when were they entitled to be released taking into consideration the period of earned remission?

Khan Bahadur MOHAMMED ALI: The honourable member is confusing the issue. There is another provision by which the prisoner is not entitled to get release, but under that provision after 14 years of imprisonment his case may be considered by an advisory committee and when the release is sanctioned by that committee, the prisoner is released: but the prisoner is not entitled to claim that privilege. Automatically the cases of the prisoners are considered by that committee.

Mr. DHIRENDRA NATH DATTA: With reference to reply (*c*), in view of the fact that Sital Chandra Bhattacharyya and Kanan Behari Goswami have not yet been released under this rule on grounds of security, will Government consider the desirability of releasing them and keeping them in detention on grounds of security?

Khan Bahadur MOHAMMED ALI: I have already said, prisoners are not entitled to be released automatically. Their cases are considered by a committee to see whether they can be released or not. The question of prisoners being entitled to be released does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the cases of these prisoners have been considered by that committee?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why Sital Chandra Bhattacharyya was not considered eligible for higher classification?

Khan Bahadur MOHAMMED ALI: I want notice.

Family allowance for released security prisoners.

*53. **Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that during the regime of the first Ministry in Bengal under the present constitution a number of detenus were released from detention shortly after the Ministry's assumption of office;

(*ii*) that the family allowances granted to these detenus were allowed to continue till six months after their release with a view to give them adequate opportunity of maintaining their families before they could engage themselves in proper avocations; and

(*iii*) that an *ad hoc* personal allowance of Rs.15 for each detenu was also granted to such detenus for a period of six months after their release for their own maintenance?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any steps have been taken to grant such *ad hoc* allowance in the case of security prisoners who are being released or have already been released?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) Yes.

(*ii*) No.

(*iii*) Yes, provided that the released detenu had no adequate sources of income for the supply of his wants.

(*b*) The honourable member is referred to my reply given to clause (*d*) of the starred question No. 107 asked by Mr. Khagendra Nath Dasgupta on the 24th February, 1944.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether in the case of released security prisoners who have been prevented from making adequate income for the restrictions imposed on them by Government, Government will be pleased to consider the desirability of continuing their allowances?

Khan Bahadur MOHAMMED ALI: Individual cases are considered on their merits. In certain cases where released security prisoners have been put under certain restrictions unable to earn their livelihood, allowances have been sanctioned.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether there have been any cases in which the allowances have been continued?

Khan Bahadur MOHAMMED ALI: I have just now said that when even after release the security prisoners have been put under certain restrictions and Government feel that those are legitimate cases, such allowances have been sanctioned.

Mr. SASANKA SEKHAR SANYAL: How many such cases have occurred?

Khan Bahadur MOHAMMED ALI: I ask for notice. I may say, on the 22nd or 23rd November in reply to a question I said that a released security prisoner was granted an allowance of Rs. 40 per month.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether it is not a fact that there is no such case excepting two or three?

Khan Bahadur MOHAMMED ALI: I cannot give the number. But there are certain cases, and I would refer the honourable member to my reply to a question on the 22nd or 23rd of November.

Restriction order on Sj. Narayan Chandra Das.

*54. **Maulvi Haji TOFEL AHMED CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact—

(*i*) that Sj. Narayan Chandra Das, of Khaliskota, district Barisal, has been served with a restriction order which has not yet been withdrawn;

(*ii*) that he has been deprived of all means of earning his livelihood on account of this restriction order;

(*iii*) that the whole family has been in a state of starvation;

(*iv*) that he made repeated petitions either for the withdrawal of the restriction order or for suitable allowance for his family;

(*v*) that he has approached the D.I.B. Inspector many times for the purpose;

(*vi*) that he has received assurances from him of speedy withdrawal of the restriction order every time he made the request; and

(vii) that the assurances have not yet been materialised?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government are considering the desirability of—

(i) granting him proper allowance, or
(ii) withdrawing the restriction order?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) The restriction order has been withdrawn.

(b) Does not arise.

Alleged delay in getting copies and information on applications made to Nadia Collectorate.

***55. Mr. HARIPADA CHATTOPADHYAY:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(i) whether it is a fact that unusual delay occurs in getting copies and information on applications made to the Nadia Collectorate for the purpose;
(ii) whether Nadia Collectorate observe the Rules of the Records Manual in respect of entertaining applications for copies and informations and of furnishing the same to the applicants within a reasonable time; and
(iii) whether the Local Muktear Association made a complaint and adopted a resolution, setting forth the grievances of the litigant public to the Collector of Nadia in order to remedy them?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Collector of Nadia has taken any steps on the resolution of the Local Muktear Association?.

(c) Is the Hon'ble Minister considering the desirability of issuing instructions to the Collector of Nadia to remedy the grievances referred to in (a) (i)?

The Hon'ble Mr. TARAK NATH MUKERJEA: (a) (i) No.

(ii) and (iii) Yes.

(b) Yes, steps were taken to remove the grievances of the litigant public.

(c) Does not arise.

Improvement of pecuniary condition of teachers of Free Primary Schools in Tippera district.

***56. Mr. MAQBUL HOSSAIN:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Government are considering the desirability of improving the pecuniary condition of the teachers of the free primary schools, in the district of Tippera, by way of—

(i) increasing their monthly salary; or
(ii) granting dearness allowance?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the amount proposed to be given to each of them per month?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) (i) Not at present.

(ii) and (b) In the District School Board areas, the teachers of managed primary schools and primary sections attached to secondary schools and *madrasahs* are being paid dearness allowance at Rs.2-8 per head per mensem from the District Primary Education Fund since 1st August, 1942. This rate of Rs.2-8 was increased to Rs.8 for September, October and November, 1943.

Further, Government have sanctioned the payment from their own funds of a dearness allowance at the rate of Rs.3 per month per head with effect from 1st April, 1944, to the teachers of all approved primary schools on condition that the local authorities continue to pay such dearness allowance as they were already paying.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what is the monthly salary of the primary school teachers?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think my honourable friend knows that it is very insignificant. It is not uniform—Rs. 16, Rs. 12, Rs. 10.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what are the reasons for not increasing their monthly salary at present?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is a question of funds.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that many primary school teachers have left the schools on account of such smallness of pay and the schools are suffering to a great extent?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the second paragraph of his answer beginning from "further" down to the last word "paying" applies to all approved primary schools of the province or of the district?

The Hon'ble Mr. TAMIZUDDIN KHAN: Of the province.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he knows that in the district of Murshidabad such dearness allowances as are sanctioned and even the substantive pay are not being paid for the months of September, October and November up till now?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not see any reason for that. I am not aware of that.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that a primary school teacher is not paid monthly?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir; his pay has to be given monthly but sometimes there are irregularities on account of the post-office concerned not being able to cope with the situation.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that in the district of Tippera they are never paid monthly, they are paid quarterly—everywhere?

The Hon'ble Mr. TAMIZUDDIN KHAN: Not everywhere—probably in some places—I want notice.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that at least in Murshidabad payments are never made on the basis of one month, but the salaries are allowed to run into arrears for 3 or 4 months and in the meantime the representations of the teachers are not heeded to and that there are no rules compelling the School Board for making payments within a particular time of the next month?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I do not think these details arise because the question is not about regular payment of salaries at all. The question is about other thing.

Mr. SASANKA SEKHAR SANYAL: Sir, I am now confining myself to the dearness allowance. Will the Hon'ble Minister be pleased to state whether he is aware that this dearness allowance which is approved by the Government—I will not refer to the substantive salary also—is allowed to run into arrears for 3 months at a time and that there is no rule prescribed for compelling payments by the authority within a particular time as the arrears accumulate to 3 or 4 months at a time and payments are not made?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of that but if specific cases are brought to my notice, I will take adequate steps.

Mr. SASANKA SEKHAR SANYAL: Since I have put question specifically with regard to Murshidabad, will the Hon'ble Minister be pleased to consider the desirability of making enquiries from the School Board of Murshidabad so that the evil may be remedied at an early date?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am prepared to do that but I shall be grateful if my honourable friend gives me a note about it.

Mr. SASANKA SEKHAR SANYAL: Very well, I will do that.

Cooking arrangements in Emergency and Destitute Hospitals in mufassal areas.

***57. Mr. PUSPAJIT BARMA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(*i*) that newly-started emergency and destitute hospitals in mufassal areas have two cooks, one Hindu and another Muslim; and

(*ii*) that no separate kitchens or cooking arrangements have been made?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of making separate arrangements for the Hindus and the Muslims?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*) In the larger hospitals, yes. In the smaller hospitals, generally speaking, no.

(*ii*) Government have made separate arrangements where these have been specially asked for.

(*b*) Government will continue to make separate arrangements when these are specially asked for.

Grant of permits for selling quinine in Mymensingh.

***58. Mr. ABUL HOSSAIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state whether it is a fact—

(*i*) that the system of granting permits for selling quinine in the district of Mymensingh on the recommendation of both the District Health Officer and the Civil Surgeon has been discontinued; and

(*ii*) that it is being done only on the recommendation of the Civil Surgeon?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) how many persons have been recommended by the Civil Surgeon, Mymensingh, since then for permission to sell quinine at controlled prices; and

(*ii*) how many of them are (A) Muslims and (B) Hindus?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*) The District Magistrate was the District Quinine Rationing Authority and acted on the advice both of the District Health Officer and the Civil Surgeon. Since 5th January, 1944, the Civil Surgeon has been appointed as District Quinine Rationing Authority. He is required to consult the District Health Officer as frequently as possible but the latter's formal approval is not required under the latest Government orders.

(*ii*) Yes.

(*b*) (*i*) 230.

(*ii*) Muslims—46.

Hindus—184.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the reasons for which there is such a gulf of difference between the Hindus and the Muslims?

Khan Sahib HAMIDUDDIN AHMAD: This is due to dearth of medical practitioners available for selling quinine at the first instance but recently a general circular has been issued to all the District Rationing Authorities to appoint adequate number of Muslims.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the procedure of taking Health Officer's recommendation of the district has been discontinued?

Khan Sahib HAMIDUDDIN AHMAD: It is still in force. The District Rationing Authority has been advised to appoint quinine selling agents or distributing agents on the recommendation of the District Magistrate, Subdivisional Officer or of the District Health Officer.

Rai Sahib MONMOHAN DAS: Will the Hon'ble Minister be pleased to state in view of the answer (*b*)(*i*) how many names have been recommended from the Scheduled Castes?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Adjournment Motion.

Dr. NALINAKSHA SANYAL: Mr. Deputy Speaker, Sir, I have got consent to an adjournment motion given notice of by me yesterday and may I have leave of the House to move the same? The adjournment motion is in the following terms:—

> "This Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the refusal of the Government of Bengal to accord sanction to the proposal of the Corporation of Calcutta to acquire and to run with the help of an Agent the undertakings of the Calcutta Tramways Co., Ltd."

Sir, may I hand over the motion? I have obtained the consent of the Hon'ble Speaker and the relevant statement also was handed over to him.

Mr. DEPUTY SPEAKER: The motion has been admitted by Mr. Speaker. The short statement is as follows:—

> "It was officially revealed through a debate at the meeting of the Councillors of the Calcutta Corporation held on 29th November, 1944, and reported in the newspapers on 30th November, 1944, that the Government of Bengal have recently refused to accord sanction to the proposal of the Calcutta Corporation to exercise its option to purchase the undertakings of the Calcutta Tramways Co.

on the 1st of January, 1945, in accordance with the agreement between the Corporation and the Company and to entrust the running of the Tramways to an Agent on certain terms."

Is there any objection?

(There was objection.)

Gentlemen supporting the motion will kindly rise in their seats.

(A count was taken and it was found that the adequate number of members had risen.)

The honourable member has got leave of the House. Yes, Dr. Sanyal.

Mr. NISHITHA NATH KUNDU: Mr. Deputy Speaker, Sir, I also obtained your consent for moving an adjournment motion.

Dr. DEPUTY SPEAKER: Mr. Kundu, surely you know that two motions cannot be moved on the same day. Hence your motion falls through.

Mr. NISHITHA NATH KUNDU: I understand that there is a rule which prevents two motions being moved in the same sitting but there is no rule which prevents more than one motion being considered for the purpose of admission. So this may be considered for the purpose of admission.

Mr. DEPUTY SPEAKER: I have allowed this particular motion and under the rules I cannot allow that motion on the same day. For any other reference you can make it to the Hon'ble Speaker later on.

Mr. SASANKA SEKHAR SANYAL: We are proceeding with this motion and we are in possession of it but in the meantime the honourable member wants to know how this particular motion does stand, because you know, Sir, that the urgency can be waived and you can set down the discussion of the matter for tomorrow.

Mr. DEPUTY SPEAKER: I will have to consider that. I have not yet gone through that file. Now we are dealing with this adjournment motion of Dr. Sanyal.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Is there any rule by which you can penalise a member for making statements which are not correct and for trying to move an adjournment motion? (Laughter.)

Mr. DEPUTY SPEAKER: I do not know of any such rule.

Dr. NALINAKSHA SANYAL: The custodian of the rules of the House ought to have been better advised; he ought to have known that there is no such rule. But probably a new rule will be made.

Mr. DEPUTY SPEAKER: Yes, Dr. Sanyal. You can now move your adjournment motion.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the refusal by the Government of Bengal to accord sanction to the proposal of the Corporation of Calcutta to acquire and to run with the help of an agent the undertakings of the Calcutta Tramways Co., Ltd.

Sir, the citizens of Calcutta and the public of Bengal were shocked and surprised to notice in the newspapers of the 30th November last the report that the Bengal Government have refused their sanction to the proposal of the Corporation of Calcutta to acquire the properties of the Calcutta Tramways Co., Ltd., and to run the same in the manner proposed by them.

Sir, we tried to study the matter thereafter and I have discovered that this question of acquiring the properties of this public utility undertaking on behalf of the Corporation of Calcutta has had a long history behind it. It was as long ago as 1899 when the first agreement was made between the Calcutta Corporation and the Calcutta Tramways Co., Ltd., consolidating the previous agreement, in regard to the running of the tramways in Calcutta that a specific provision was laid down in Article 5 of that agreement empowering the Corporation to purchase the said tramways with the plant, machinery, land, buildings, etc., on the 1st January, 1931, and thereafter at intervals of seven years. This was also supported by a legislative action of the old Bengal Legislative Council, namely, the Calcutta Tramways (Electric Traction) Act, 1900, section 5 of which provided: "The Corporation shall have the right of purchasing the said tramways with the plant, machinery, land, buildings, rolling stock, stores and everything connected therewith belonging to the Company, on the 1st January, 1931, upon declaring their intention so to purchase the same in writing not less than six calendar months before the said date, and the Corporation shall have a renewed right of purchase at the end of every seven years after the said 1st January, 1931, upon similar notice being given. The consideration for such purchase shall be a cash payment of twenty-five times the difference between the average gross annual receipts and the working expenses of the Company which said working expenses shall *inter alia* include track-rent and the proper upkeep and maintenance of the said tramways, plant, machinery, buildings and rolling stock..... ..", etc.

In the year 1936, i.e., two years before the expiry of then prevailing period at the termination of which the Corporation could exercise the right to purchase the tramways, the Coropration sought the sanction of the Government of Bengal at that time to have the necessary approval of the Government. Even at that time Government showed little interest and did not help the Corporation in fructifying their desire.

In 1942, i.e., two years from now the Calcutta Corporation through its Public Utility and Markets Committee at its meeting dated 15th August, 1942, renewed their desire to acquire the properties of the Calcutta Tramways Co., Ltd., and at a general meeting of the Corporation held on the 22nd March, 1943, the Corporation as a whole approved of this proposal of the Public Utility and Markets Committee, and necessary steps were directed to be taken. With the approval of the Advocate-General of Bengal, a notice was duly served upon the Calcutta Tramways Co., Ltd., at their principal place of business on the 27th June, 1944, and on the 14th September, 1944, the Home Board of Directors of the Calcutta Tramways Co. Ltd., in reply to the notice given by the Corporation, suggested certain business like procedure which we appreciate. So far it looked as if things were moving in a friendly atmosphere and smoothly and probably the citizens of Calcutta would soon be blessed with the prospect of possessing a valuable public utility undertaking like the Calcutta Tramways in Calcutta. But something happened thereafter. The Corporation of Calcutta, on the 30th October, 1944, examined the proposal of the Home Board and sent in their considered reply. This was of course delayed because of the holidays, and for obvious reasons it could not be possible for the whole Corporation to meet. The Corporation's proposals were first considered by the Public Utility and Markets Committee and thereafter at a subsequent date by the general body of the Corporation later on. As time was an essential factor in this connection, the Chief Executive Officer of the Calcutta Corporation immediately forwarded to the Home Board, with a copy of that sent to the local agent, giving their considered reply to the suggestion made by the Home Board of the Calcutta Tramways. The Calcutta Tramways' local agent was also requested to give necessary facilities to the engineers of the Corporation and other officers to examine the properties and to find out the valuation of the same as they would like to have their own independent valuation apart from the terms on which payment had to be made. The

Home Board replied in their letter that as it was not possible to give gross earnings less expenses up to the last day of working, i.e., 31st December, 1944, they were forwarding soon the statements for the previous seven year-period. But, Sir, that was probably in transition when something happened here. The Corporation officers were given opportunities to go through the papers in the office of the local acting agent for a few days but suddenly the acting agent wrote to the Chief Executive Officer a letter wherein he flatly refused to give further facilities to the Corporation officers and said: "We are unable to comply with your request until such time as the necessary resolutions are passed by the Corporation and approved by Government." This was a letter of the acting agent dated the 9th November, 1944. It was only then that the Corporation first came to know that there was another factor which was likely to create difficulties. As advised by the Advocate-General, the Corporation had, immediately after their notice to the Calcutta Tramways Co., Ltd., approached the Government of Bengal as well as the Federal Railway Authorities, with a view to obtain certain necessary sanctions which it was at that time the advice of the Advocate-General that the Corporation must have in order to run the tram services in the streets of Calcutta.

It was also noticed that there was a change in the attitude of some of the Councillors of the Corporation from that time. Before that, things were moving more or less smoothly and there was hardly any opposition in the Corporation, every section of which was united in its demand to have the properties acquired by the Calcutta Corporation. The Government of Bengal kept back their reply. Two letters were addressed to the Government of Bengal, the first letter as early as July, 1944, and the second letter in September, 1944; in reply to the first Government wanted certain information which was forthwith submitted. But unfortunately the Government of Bengal did not care to give their considered opinion so long and the Corporation was proceeding on the assumption that from the 1st of January, 1945, the Corporation would have to take over the properties and run the same on their own responsibility. Suddenly on the 22nd of November, 1944 (which letter was sent out on the 23rd November), the Government of Bengal intimated the Calcutta Corporation their inability to accord their sanction for the Corporation to enter into an agreement with any agent for the purchase and working of the Calcutta Tramways undertaking. (Mr. DHIRENDRA NATH DATTA: What are the reasons?) Time will not allow me to go into the detailed reasons. But I have thereafter found that two eminent lawyers, Mr. P. B. Mukherji and P. R. Das, whose opinions were sought by the Corporation, have categorically stated that the Corporation need not seek the Government sanction at all and they have stated that with the expiry of the time of the notice, the properties can be acquired by the Corporation straightaway. Here comes the difficulty. I am not here in a mood to criticise Government action. I am not suggesting that Government have been influenced by big business, particularly European business, in their decision. But I would appeal to the Government to see what would be the position if Government do not approach the problem from a more liberal standpoint. From the agreement it is revealed that the Corporation has to pay 25 times the average surplus of income over expenditure of the previous seven years whenever the Corporation take over the management of the Tramways. That at the present moment is a high figure but it would be still higher if the present opportunity is lost. If the Government are not satisfied with the agency or with the arrangement proposed by the Corporation, it is up to the Government to call for a Conference, have the matter settled across the table and decide in a day what should be the proper method of acquiring such properties and running the same.

I do not claim that the Corporation of Calcutta has approached this question with tact and I must admit that it could have been probably arranged in a better way. But the interests of thousands of our citizens

and of a large number of our population are involved and I appeal to the Government to yet see if some way can be found out of the impasse and if Government could have a proper technical body appointed to take over the management under financial arrangements which the Government may in consultation with the Corporation find feasible and workable. So far as the Corporation's contention goes, I feel that every citizen of Bengal today would endorse the idea that the domination of the European Company in the city of Calcutta should end without delay and I therefore appeal to the Government to see that a way out may be found even now because it is not yet too late to mend.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not know what is the object for which Dr. Sanyal has brought this motion before this House. Is it for the purpose of exposing the Calcutta Corporation or is it for the purpose of merely taking up some time of the House so that its regular business may not be proceeded with? The speech that has been delivered today will show for itself that there is really no substance behind the motion that has been moved. There is nothing that has been shown by Dr. Sanyal which would justify any kind of motive attributed to Government for refusing sanction. Actually the reasons why Government have refused sanction have been clearly stated in their letter to the Calcutta Corporation which has been published in the papers as well. I would like to state here that apart from the reasons that have been stated in that letter and particularly the legal advice that we have received from our highest law advisers, the fundamental question which is supposed to have moved Dr. Sanyal in our opinion does not exist, viz., the nationalisation of the Tramways, that is to say, that the Tramways should be run by the Calcutta Corporation. From what we have seen of the negotiations that have so far proceeded and from the terms and conditions of the tenders that have been published or announced, it is obvious that the Tramways will not come into the hands of the Calcutta Corporation. On the other hand, it will go into the hands of agents, another concern, another company, and from my point of view, from the point of view of Government and from the point of view of the citizens of Calcutta, any further hope of the Tramways ever coming under the control of the Calcutta Corporation would disappear if this agreement is allowed. I will tell you the reasons ....(Interruption)..... It is no use getting excited.

Dr. NALINAKSHA SANYAL: Who will become the owners of the Tramways?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would ask Dr. Sanyal if he wants detailed particulars—it is not possible for me to go into them now—to read the "Indian Finance" of the last two weeks—of Saturday last and one before that. There he will find facts and figures to justify what I have stated here. I shall give very briefly the facts to the House. According to the calculations that we can make, it will appear that the property which was originally valued at Rs. 1½ crores will have to be purchased at Rs. 6 or 6½ crores that is to say, the Company is not going to lose if its business is sold now. Any sensible company would be only too glad to part with its shares if its one pound shares could be sold for £3 or £4.

Dr. NALINAKSHA SANYAL: Will it be less in future?

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, what is the arrangement that they are arriving at with the agent? Three per cent. of the net profits is to go towards amortisation and four per cent. as interest, in all seven per cent. According to the calculations that we can make as to the profits that will accrue after the war even taking into consideration the extensions that have been made including Howrah also, it will appear that the total profits will be something like Rs. 22 to 25 lakhs net, whereas

the seven per cent. demand will come to something like Rs. 42 lakhs. There is, therefore, bound to be a deficit of something like Rs. 10, 15 or 20 lakhs or something like that, which means that the agent..... (Dr. NALINAKSHA SANYAL: The balance sheet reveals 7 lakhs profit.) But I have made it clear that I am talking of post-war profits. The abnormal profits during the war will not continue all along after the war. It is obvious that no businessman in India will come forward and say that the profits that he has been making now will continue in any concern whatsoever after the war. There is bound to be a fall after the war and making the calculations on a liberal basis it means a profit of 20 to 25 lakhs. It may even mean anything between ten and fifteen lakhs. Apart from that the Agent will have the option to continue for another ten years and the Corporation will never be able to get it out of the Company's clutches, and although in name the Calcutta Corporation will be the owner of the tramways, all the fruits of it will be enjoyed by the Agents and the general public will get no relief whatsoever, either in the shape of reduced fare or in the shape of improvement of amenities. The Agents will see that they get their three per cent. first and their four per cent. thereafter. With that three and four per cent. gone there will practically be no room for either lowering of fares or improvement of amenities.

But I may tell the House that that is not the only point. The cogent point is that now after every seven years you will have an opportunity of taking over this undertaking from the existing concern and having it practically under the direct control and management of the Corporation. But if the proposal of the Corporation as it is now before us is accepted it will mean that for another 25 or even 35 years the Corporation will practically be the *benami* owner but the real fruit will be enjoyed by the agents. It will be an Indian concern only in name but it will mean benefit to the capitalists who will advance the money and no benefit will accrue to the masses.

Then there is another thing that I would place before the House. Here is a proposal which involves a commitment of the Calcutta Corporation to a sum of over five crores of rupees. It means a commitment by the Calcutta Corporation to the tune of over five crores of rupees but I regret to say that this proposal has never been placed before the Finance Committee of the Calcutta Corporation. There has been no scrutiny by any body of men, no examination either of the merits or of the demerits of the proposal or of the financial implications or burdens involved. Another extraordinary thing is that although you will have to complete the transaction by the 1st of January, even up till now no tenders have been received although tomorrow the 6th December is the last date for the submission of tenders. When is the Corporation going to call for tenders? When is it going to raise the five crores? Is this the way in which a responsible body of men should ever enter into any transactions whatsoever? After all, let us examine how this thing has been done. Four persons have been carrying on this transaction so long. It has not been placed before the Finance Committee of the Calcutta Corporation. It is true that in March, 1943, the general principle was accepted by the Corporation. Every one of us accept the principle. There is not one man who does not accept the general principle. Nobody objects to the principle that the Calcutta Corporation should own the tramways. But when the terms and conditions were released, when they came out with concrete proposals at the latest stage, it was then that people began to question as to what was the motive behind it. Now when the first letter came to us we gave a reply immediately. After that when the details came we put it up before our legal adviser and we have been given the best legal advice that Government can obtain. According to our legal adviser it is clear that the Corporation, unless the Act is amended, cannot undertake the business in the manner in which it is proposed to be done. Sir, it is not a new thing to the Corporation.

When Mr. Nalini Ranjan Sarker was the Mayor there were legal difficulties and it was held that unless the Act was amended the Corporation could not take up the tramways.

Now, Sir, from whatever angle you may look at it, you will find that there are legal difficulties, there are practical difficulties and there are financial difficulties. From every point of view it will be apparent that as far as the proposal in the present form is concerned it will go against the rate-payer. Further, apart from these difficulties it is not at all a practical proposition at the present time.

Then, Sir, Dr. Sanyal has often asked me about alternative proposals. We have said that as far as the principle is concerned we fully agree with the Corporation that the tramways should be owned by the Corporation and we will give every assistance in the matter. But, Sir, at this late stage, as I have already stated, no conference will be of any use because there are legal difficulties in it.

Dr. NALINAKSHA SANYAL: But the Home Board is agreeable.

The Hon'ble Khwaja Sir NAZIMUDDIN: But there is also the difficulty about the time and space and I agree with Dr. Sanyal that the Board in England is anxious to do this. Every Board would be anxious to get it at the present inflated price of the shares. It would be foolish if they did not. But the question has got to be considered. Let the Corporation Finance Committee consider it and if there is anything that Government can do either in the way of mediation or in the way of bringing in an amended Act, we will certainly do what can be done by Government.

The motion of Dr. Nalinaksha Sanyal that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the refusal of the Government of Bengal to accord sanction to the proposal of the Corporation of Calcutta to acquire and to run with the help of an Agent the undertakings of the Calcutta Tramways Company, was then put and lost.

Adjournment.

The House was then adjourned at 5-45 p.m. till 4 p.m. on Wednesday, the 6th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 6th December, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 10 Hon'ble Ministers and 183 members.

STARRED QUESTIONS

(to which oral answers were given)

Further supplementaries to starred question No. 58.

Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister be pleased to give instruction to the Head of the Department to issue a general order or circular to the effect that applications for sale of quinine be submitted through the District Health Officer as the District Health Officer is more responsible for the upkeep of the health of the general public than the Civil Surgeon himself?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): A general circular has already been issued to District Authorities to appoint suitable number of agents from all the communities in consultation with the Health Officer and sometimes with his advice.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what is the present scheme of the Government regarding the distribution of quinine in the rural areas?

Mr. SPEAKER: That is too big a question. That cannot be answered.

Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister be pleased to state how many Muslims and how many Hindus got these jobs during the time while the District Magistrates were the Quinine Rationing Officers and the District Health Officers and the Civil Surgeons were the advising agents?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Rai Sahib MONMOHAN DAS: Will the Hon'ble Minister be pleased to state if the question of ratio proportion is considered at the time of granting quinine permit?

Khan Sahib HAMIDUDDIN AHMAD: There is no communal ratio in these matters and it is not strictly observed there but the District Rationing Authority has been advised to appoint suitable number of agents from all the communities as far as possible.

Rai Sahib MONMOHAN DAS: Will the Hon'ble Minister be pleased to state what classes of people are eligible for quinine permit?

Khan Sahib HAMIDUDDIN AHMAD: Medical practitioners are given preference over raw men.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the reasons for the discrepancy among the licensees of different communities after the Rationing Authority has been given to the Civil Surgeon in the district of Mymensingh?

Khan Sahib HAMIDUDDIN AHMAD: Most of these agents were appointed when the District Magistrate was the Rationing Authority but in subsequent vacancies when the Civil Surgeon has been appointed Rationing Authority, as I have already stated, a general order has been issued to see that an appropriate number of Muslims and members of other communities be appointed in the vacancies.

Rai Sahib MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that in most cases applicants from the Scheduled Castes have been denied any permit in the district of Mymensingh?

Khan Sahib HAMIDUDDIN AHMAD: I have no information about this.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have given up the proposal of appointing an agent in every union for selling quinine to the public?

Khan Sahib HAMIDUDDIN AHMAD: No, it is not a question of appointing one agent for each union. There are more than one agent in some unions and there is one agent in one union as the situation demands.

Mr. SURENDRA NATH BISWAS: Are we then to understand that Government have appointed at least one agent in every union for sale of quinine?

Khan Sahib HAMIDUDDIN AHMAD: Generally one agent has been appointed for each union but in some cases two or three agents were appointed for one union and in some cases one agent has been appointed for two or three unions.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be surprised to learn that there are many unions where there are no agents at all?

Mr. SPEAKER: That has been answered.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state when the Rationing Authority has been given to the Civil Surgeon, whether he was given direction to see that the agents or licensees from all communities are given sufficient opportunity?

Khan SAHIB HAMIDUDDIN AHMAD: I have already stated that a circular has been issued to the Rationing Authority to see that suitable number of agents are appointed from all the communities.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that the agents appointed do not come forward to purchase quinine tabloids because the margin of profit allowed is less than the cost incurred by them?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware of any such fact.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House how many Scheduled Caste agents have been appointed in the district of Mymensingh for selling quinine?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to make an enquiry into the matter and to have these grievances removed?

Khan Sahib HAMIDUDDIN AHMED: Government will make enquiry if specific cases are given.

Regarding smallpox epidemic in Rangpur District.

*59. **Mr. AHMED HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether he is aware—

(*i*) that a severe smallpox epidemic is raging and spreading in the district of Rangpur, especially in areas under police-station Shaghatta, Gobindaganj, Gaibandha, Sunderganj, Kaliganj, Kotwali, Budarganj, Ulipur;

(*ii*) that in a single village called Jangalia, in police-station Shaghatta, 300 people died of the malady in course of the last four months?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what special preventive and curative measures have been taken by the District Board of Rangpur and the Government so far to combat the pestilence; and

(*ii*) what is the percentage of population in each of the above thanas that have been vaccinated to date?

(*c*) Is it a fact—

(*i*) that the Rangpur District Board did not take any steps to make timely arrangements for vaccination in village Jangalia and other affected contiguous villages; and

(*ii*) that epidemic card was despatched by the President, Union Board, concerned with the first outbreak of smallpox?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) what is the additional number of vaccinators that the District Board, Rangpur, has appointed; and

(*ii*) what is the number they have posted in each Union of the severely-affected thanas at present?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) (*i*) Yes. A statement of attacks and deaths, week by week, of the thanas from 1st January, 1944, to 25th March, 1944, is laid on the Library Table.

(*ii*) No. Only 66 persons in the village Jangalia were attacked up to date of whom 28 died.

(*b*) (*i*) The District Board of Rangpur has 31 Sanitary Inspectors, 36 Health Assistants and 10 permanent vaccinators. Besides, the District Board appointed 293 temporary vaccinators to cope with the epidemic. The District Board also compelled all the Union Boards under this district numbering 318 to appoint 2 vaccinators each. The total number of vaccinators appointed up till now by the District and Union Boards is 723 (including 260 sanctioned by Government). So the permanent staff of the District Board and the temporary (Government) District and Union Boards vaccinators are working throughout the district to combat the epidemic in addition to 32 sanitary units consisting of 2 doctors and 62 sanitary assistants supplied by the Government. The whole system is being supervised by 1 Military Major (Medical), 3 Military Captains (Medical) and the District Health Officer. The District Board also distributed good amount of bleaching powder and other preventive medicine throughout the district.

(*b*) (*ii*) Percentage of population vaccinated in each of the thanas is as below—

Saghatta—33 per cent., Gaibandha—31 per cent., Gobindaganj—44 per cent., Sundarganj—35 per cent., Kaliganj—31 per cent., Kotwali—31 per cent., Badarganj—32 per cent., Ulipur—32 per cent.

Work of vaccination is still progressing and before the season closes the District Board will be able to vaccinate 50 per cent. of the population of the whole district. Altogether 1,136,109 persons have been vaccinated up to the first week of April current, in the district.

(*c*) (*i*) Not true.

(*ii*) No epidemic card was sent by the President, Union Board, but the information was received through a member of the public.

(*d*) (*i*) As stated above 293 additional vaccinators in addition to the permanent strength have been appointed by the District Board (including 260 sanctioned by Government) and 430 by the Union Boards under orders of the District Board.

(*ii*) Number of vaccinators posted in each union is not fixed. The number either increased or decreased according to the requirements. But care has been taken to post some vaccinators in each of the unions.

Overseers, demonstrators, etc., in Khulna district.

*61. **Mr. UPENDRA NATH EDBAR:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*i*) the present number of overseers, demonstrators, *kamdars* and clerks with their names and the date of their first appointment in the district of Khulna;

(*ii*) the number of them that are—

(A) Caste Hindus,
(B) Muslims, and
(C) Scheduled Castes, in each case;

(*iii*) the number of Scheduled Caste demonstrators promoted to the post of overseers;

(*iv*) whether it is a fact that the claims of Scheduled Caste demonstrators have been superseded by junior Muslim demonstrators; and

(*v*) if so, the reasons thereof?

(*b*) Do the Government consider the desirability of reconsidering in near future the cases of these Scheduled Caste demonstrators who have already been superseded?

Mr. RASIK LAL BISWAS (on behalf of the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) (*i*)—

Overseers 3.	Date of first appointment.
(1) Md. Bazlur Rahman	... 26-5-1943.
(2) Abdul Hai Topadar	... 1-2-1944.
(3) Ramesh Chandra Das	... 12-4-1944.
Demonstrators 2.	
(1) Satish Chandra Majumdar	... 24-1-1928.
(2) Vacant.	
Clerk 1.	
(1) Md. Fasior Rahman	... 6-5-1943.
Kamdars 4.	
(1) Md. Khalilur Rahman	... 1-4-1944.
(2) Lokman Ali Miah	... 8-4-1944.
(3) Rakhe Nath Kar	... 1-4-1944.
(4) Shaikh Akaddes Ali	... 12-4-1944.

(*ii*)—

	Caste Hindu.	Muslim.	Schedule Caste.
Overseers 3	..	2	1
Demonstrators 2	1	..	1
Kamdars 4	1	3	..
Clerk 1	..	1	..

(*iii*) 10.

(*iv*) No.
(*v*) Does not arise.

(*b*) Government do not consider this necessary.

Recruitment of Inspectors, Auditors, etc., for Co-operative Credit and Rural Indebtedness Department.

*62. **Mr. DHIRENDRA NARAYAN MUKERJI:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) whether any age-restriction was imposed in the last advertisement for the recruitment of Inspectors, Auditors, etc., for his department;
(*ii*) whether any fee was charged along with the submission of applications;
(*iii*) if so, at what rates;
(*iv*) what was the amount collected;
(*v*) whether there was any procedure for selection;
(*vi*) whether all the candidates, who had deposited the necessary fees, were called for sitting at the examination;
(*vii*) how the selection of candidates was made to allow them to appear at the examination;
(*viii*) whether the candidates over the age-limit of 25 or 26 were asked to deposit the fees;
(*ix*) whether their cases were not considered by reason of age-limit imposed after receipt of their application forms and necessary fees;
(*x*) if so, how many such cases are there; and
(*xi*) whether any steps have been taken by the Department to refund the fees received from such candidates?

(*b*) Do the Government propose to form "Appointment Board" or some similar bodies to deal with such appointments?

Khan Bahadur A. F. M. ABDUR RAHMAN (on behalf of the Hon'ble Mr. Jogendra Nath Mandal): The honourable member is referred to the reply given to starred question No. 424 of Mr. Sukumar Dutta on the 16th June, 1944.

Babu MADHUSUDAN SARKAR: On a point of privilege, Sir. In reply to this question the Parliamentary Secretary has made a reference to question No. 424 of Mr. Sukumar Dutta on the 16th June, 1944. The proceedings of the House containing that reply were not released from the press and the proceedings have not yet been received by the members. It may so happen that many of the members could not have been present——

Mr. SPEAKER: Yes; the question is held over.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Visits to security prisoners by official and non-official visitors of the Presidency Jail.

31. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the names of the official and non-official visitors for the Presidency Jail from 1st August, 1942, to 1st June, 1943; and
(*ii*) the names of those who visited the security prisoners in the Presidency Jail during the period in question?

(*b*) Will the Hon'ble Minister be pleased to state whether there are any rules fixing the time or period or number of visits that the official and non-official visitors should make in jail?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state whether the rules are observed by the visitors of the Presidency Jail?

(d) If the answer to (c) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

Minister in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) (i) Official: 1. Commissioner, Presidency Division.

2. Commissioner of Police, Calcutta.

3. Chief Presidency Magistrate, Calcutta.

Non-official: 1. Mr. Abdur Rahim, C.I.E.
2. Mr. T. C. Mallick.

(ii) Mr. R. Gupta, I.C.S., Chief Presidency Magistrate.
Mr. T. C. Mallick.
Mr. A. Rahim, C.I.E.

(b) The honourable member is referred to rules 46 to 48 of the Bengal Security Prisoners Rules of which a copy is in the Library.

(c) Yes, as far as possible.

(d) Does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the dates when the Chief Presidency Magistrate visited the Presidency Jail during the period in question?

Khan Bahadur MOHAMMED ALI: On the 21st of May, 1943.

Mr. NISHITHA NATH KUNDU: During these 12 months?

Khan Bahadur MOHAMMED ALI: Yes.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please now refer to rule 42 where it has been said that the Chief Presidency Magistrate will visit the security prisoners in their respective jails not less than once in a quarter and submit a full report to the Government, and in view of these rules will he be pleased to state what steps Government desire to take about strictly conforming to the rules, namely, visiting the Presidency Jail at least once in a quarter?

Khan Bahadur MOHAMMED ALI: I hope the honourable member will realise that this is a period of emergency and on account of important work, the Chief Presidency Magistrate could not visit the jail for more than once during this period, and I might state that other visitors, both officials and non-officials, visited the jail often.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what was the important business that engaged the Chief Presidency Magistrate and did not allow him to visit the jail according to rules?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Security prisoners detained under rule 26 of the Defence of India Rules.

32. Mr. HARIPADA CHATTOPADHYAY: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state the number of security prisoners still detained under section 26 of the Defence of India Rules since the Calcutta High Court declared the Validating Ordinance passed by the Governor-General to be *ultra vires*?

(b) Is the Hon'ble Minister considering the desirability of—

(i) giving effect to the decision of the Calcutta High Court; and

(ii) releasing these unconvicted prisoners forthwith?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No security prisoner is now detained under rule 26, Defence of India Rules.

(*b*) Does not arise.

Family allowances for security prisoners Babus Khudiram Dakua and Hiralal Maiti.

33. Mr. ISWAR CHANDRA MAL: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that (1) Babu Khudiram Dakua and (2) Babu Hiralal Maiti, Tamluk, were arrested on the 7th October, 1942, and since then they are detained in the Midnapore Central Jail as security prisoners;

(*ii*) that the said Khudiram Babu and Hiralal Babu had monthly incomes of Rs.25 in the function of a *khadi* organiser in the Gandhi Asram, Basudebpur, police-station Sutahata, Tamluk, and more than Rs.50 from medical practice respectively;

(*iii*) that Khudiram Babu has invalid parents and a minor brother and his wife as dependants and Hiralal Babu has four dependants including his widow-sister;

(*iv*) that Khudiram Babu applied to the Government on 30th June, 1943, followed by reminders on 14th August, 24th October, and 30th November, 1943, and Hiralal Babu on 30th June, 1943, followed by reminders and petitions to Hon'ble Minister on 7th May, 20th June, 7th August, and 23rd October, 1943, for suitable family allowances;

(*v*) that their economic conditions suffered much from the last cyclone on the 16th October, 1942, general food shortage and abnormal rise in the value of all articles, their agricultural lands being situated in the saline flood-affected area;

(*vi*) that Khudiram Babu and Hiralal Babu were informed by Government memorandum No. 10883H.J., Calcutta, dated the 23rd September, 1943, and by Government memorandum No. 6507H.J., Calcutta, dated the 31st May, 1943, that their petitions for family allowances were being considered; and

(*vii*) that the dwelling house of Hiralal Babu has been blown away in the last cyclone?

(*b*) If the answer to (*a*)(*vi*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has since then been taken on these petitions?

(*c*) If the answer to (*b*) is in the negative, is the Hon'ble Minister considering the desirability of sanctioning suitable allowances from their date of arrest?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) and (*vi*) Yes.

(*ii*) My information is that Khudiram Babu had no earning at all before his arrest and that Hiralal Babu was earning Rs.5 or Rs.6 per month from homeopathic practice.

(*iii*) It is reported that Khudiram Babu was not maintaining any of his parents, brother or wife and Hiralal Babu has no dependant.

(*iv*) Yes. But Hiralal Babu first applied on 29th March, 1943.

(*v*) and (*vii*) I have no information.

(*b*) The petitions have been rejected by Government.

(*c*) Does not arise.

Mr. ISWAR CHANDRA MAL: With reference to answer (*a*) (*ii*), viz., "My information is that Khudiram Babu had no earning at all before his arrest", will the Hon'ble Minister be pleased to state what was the source of information?

Khan Bahadur MOHAMMED ALI: Official sources at the disposal of Government.

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister be pleased to state when it was enquired into?

Khan Bahadur MOHAMMED ALI: Date?

Mr. ISWAR CHANDRA MAL: Yes.

Khan Bahadur MOHAMMED ALI: I ask for notice if I am to supply the date.

Regarding diet taken by Babu Kumar Chandra Jana, a security prisoner.

34. Mr. ISWAR CHANDRA MAL: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact—

(*i*) that Babu Kumar Chandra Jana, Sutahata, Tamluk, has been detained in the Midnapore Central Jail, as a security prisoner since his arrest on the 12th August, 1942;

(*ii*) that he undertook a vow of fasting and continued the same for several days from 2nd November, 1942;

(*iii*) that he has been taking division III diet from the 17th December, 1942, up to this date; and

(*iv*) that he has been taking no clothings and personal effects other than foot-wear at Government cost since his arrest?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what has been the actual average expenditure on account of his diet, clothings and personal effects for the period from 2nd November, 1943, to 31st December, 1943; and

(*ii*) what amount, if any, has been saved on account of Kumar Babu?

(*c*) Is the Hon'ble Minister aware that the said Kumar Babu informed the Government on 8th November, 1943 (followed by letters and reminders on several dates)—

(*i*) that he would not take his diet and clothings and personal effects prescribed for him as a security prisoner but he would take division III diet; and

(*ii*) that the money thus saved on his account would be spent in relieving distress of the flood-stricken people of the Midnapore district?

(*d*) If the answer to (*c*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the proposal has been accepted by Government?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*f*) Is the Hon'ble Minister considering the desirability of informing Kumar Babu of Government's decision on this matter?

(*g*) Do the Government contemplate to give a chance to Kumar Babu to reconsider his decision in the matter of his diet and other allowances?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*), (*iii*) and (*c*)(*ii*) Yes.

(*a*)(*iv*) In addition to foot-wear he has taken some personal effects such as socks, bed-sheets, quilt, comb, etc.

(*b*)(*i*) Rs.269-13.

(*ii*) Rs.520-7-6.

(*c*)(*i*) The prisoner informed Government that he would take only 4 annas worth of diet per day and that he would not accept any toilet articles for his use so long as famine conditions in Midnapore persisted.

(*d*) No.

(*e*) It was not considered expedient to grant the privilege asked for.

(*f*) General instructions incorporating Government's decision in the matter were issued in December, 1942.

(*g*) It is always open to him to reconsider his decision in the matter of his diet and other allowances.

Breach of traffic regulations by military motor vehicles.

35. Mr. SYED SAHABE ALAM: (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that motor vehicles driven by military personnel very often disobey traffic signals;

(*ii*) that this endangers other motorists and pedestrians;

(*iii*) that police constables ignore breaches of traffic regulation by military drivers of cars; and

(*iv*) that the police are helpless and unable to deal or cope with these offenders;

(*b*) (*i*) Is the Hon'ble Minister considering the desirability of posting military Police at important traffic junctions; and

(*ii*) instituting regular military police patrols and flying squads to check these offenders and thus protecting civilian motorists and pedestrians?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons therefor; and

(*ii*) what steps, if any, he has taken or proposes to take to put a stop to these offences?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) and (*ii*) Yes.

(*iii*) Not known.

(*iv*) Military offenders are reported to the military police for action.

(*b*) and (*c*) The honourable member is referred to the reply given on the 4th April, 1944, to starred question No. 221 asked by Mr. Ashutosh Lahiry.

Muslim League Conference at Dinajpur.

36. Miss MIRA DUTTA GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether a Muslim League Conference was held at Dinajpur on the 2nd and 3rd June, 1944, on the Government maidan; and

(*ii*) whether a Pakistan gate was erected and League flag hoisted in the conference *pandal* erected on the Government maidan?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state if any permission was obtained from the Government for this?

(*c*) Is it a fact that Circle Officers, Subdivisional Officers, and Union Board Presidents, both Hindus and Muslims, were asked and authorised to raise subscription to meet the expenses of the Muslim League Conference at Dinajpur held on the first of June?

(*d*) If the answer to clause (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) who took initiative in the matter;

(*ii*) what was the amount realised;

(*iii*) whether Hindus were also asked to contribute; and

(*iv*) whether any Hindu contributed?

(*e*) Is it a fact that the Hindu merchants were asked by the Sadar Subdivisional Officer to contribute to the fund for entertaining the Ministers who went to Dinajpur on the occasion of the Muslim League conference, with a tea party?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes, but on the 3rd and 4th June and not on the 2nd and 3rd.

(*ii*) Yes; a gate was erected and some flags were hoisted.

(*b*) Permission was obtained not from the Government but from the Collector.

(*c*) and (*e*) No.

(*d*) Does not arise.

Mr. NISHITHA NATH KUNDU: With reference to answer (*a*) (*ii*) will the Hon'ble Minister be pleased to state whether under the Government policy flags pertaining to different political schools of thought and organisations are allowed to be hoisted in the Government maidan?

Khan Bahadur MOHAMMED ALI: Previous to this there were occasions when other political parties used the maidan for holding public meetings with the permission of the District Magistrate.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to mention the occasions when such permissions in respect of other political parties were granted?

Khan Bahadur MOHAMMED ALI: I ask for notice. I might also say that even in February last such a temporary *pandel* was erected for holding a public meeting organised by the Muslims and Hindus and no objection from any party was entertained at that time.

Mr. NISHITHA NATH KUNDU: With reference to question (*d*) (*i*) (*ii*), (*iii*) and (*iv*) will the Hon'ble Minister be pleased to state whether Government enquired from the Chairman of the District Board as to whether he issued receipt books to the Presidents of different Union Boards in the district for realising money towards expenses of this conference?

Khan Bahadur MOHAMMED ALI: No enquiry was made from the Chairman of the District Board who is a non-official person and Government is not responsible for his action.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the source from which the information was received when replying to the question (*d*) (*i*), (*ii*), (*iii*) and (*iv*)?

Khan Bahadur MOHAMMED ALI: In question (*c*) it is asked whether Circle Officers, Subdivisional Officers and Union Board Presidents actively participated in the collection of money and the answer is that they did not take part. So this question does not arise.

Mr. NISHITHA NATH KUNDU: Sir, probably he did not understand my question.

Mr. SPEAKER: Will you repeat your question?

Mr. NISHITHA NATH KUNDU: My question is what is the source of information received in replying to question (*d*) (*i*), (*ii*), (*iii*) and (*iv*)?

Khan Bahadur MOHAMMED ALI: Sir, the reply to question (*d*) has been given. It is this that the question does not arise.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether these officials indirectly influenced the collection of money for the conference?

Khan Bahadur MOHAMMED ALI: The officers did not influence in any way.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the source from which the information was obtained in replying to question (*c*)?

Khan Bahadur MOHAMMED ALI: The District Officer enquired and reported that these officials did not participate in the collection.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any complaint was received by Government or Government local officers regarding the method and manner of collection of subscription in connection with this incident?

Khan Bahadur MOHAMMED ALI: No complaint was received by Government, but I cannot say if any complaint was received by the District Magistrate.

Renewal of grant-in-aid to Primary Girls' School in Bakarganj district.

37. Sj. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that there has been no renewal of grant-in-aid by the Government to Primary Girls' Schools, in the district of Bakarganj since March last;

(*ii*) that several reminders sent to the Inspectress of Schools have not yet been replied to; and

(*iii*) that the teachers have been put to difficulty for non-receipt of the grant-in-aid?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what the Government intend to do in respect of sanctioning grant-in-aid to these schools?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) No.

(*ii*) Not a fact.

(*iii*) and (*b*) Do not arise.

Contention over a plot in mauza Krishnagar—whether private property or wakf estate.

38. Maulvi MD. ABDUR RASHEED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that the C.S. Plot No. 7253, khatian No. 406 of mauza Krishnagar in the district of Nadia, is a public *wakf* estate and enrolled as the same by the Commissioner of Wakfs, Bengal;

(*ii*) that in the declaration of the Commissioner of Wakfs, Bengal, the property was under the possession of Muslims; and

(*iii*) that the then district and police officers of Nadia removed Muslim public from that very property on the 10th December, 1941, last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is it a fact that the Police Officers used to issue *Moharrum* Procession Licence from time immemorial "To Chawk Karbala and then back to X"?

(*d*) If so, will the Hon'ble Minister be pleased to state the reason and the authority under which the Police Officers of Nadia issued *Moharrum* Procession Licence in January, 1943, "To Pirtola and back"?

(*e*) Is it a fact that the building on the said estate is being used by the Muslim public of Krishnagar and surrounding villages as their Karbala or Imambara from time immemorial?

(*f*) If so, will the Hon'ble Minister be pleased to state the reason and the authority under which the Police Officers interfered with the Muslims' religious rights as referred to in (*a*) (*iii*)?

The Hon'ble Mr. TAMIZUDDIN KHAN: The honourable member is referred to the reply given to starred question No. 426 by Maulvi Abdul Jabbar, on the 20th June, 1944.

STARRED QUESTIONS

(to which oral answers were given)

Grievances of skilled operators of Silk Conditioning House.

***62A.** (SHORT NOTICE.) **Mr. SYED BADRUDDUJA:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether it is a fact that the officer-in-charge of the Silk Conditioning House has recently discharged 5 skilled operators?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what is the cause?

(*c*) Is it a fact that the said officer has thereafter again driven out all skilled operators?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what action Government propose to take in the matter?

(*e*) Is it a fact—

(*i*) that all the literate and skilled operators have submitted a joint application for increasing their pay; and

(*ii*) that all those abovementioned employees are technical men and all of them are qualified?

(*f*) If the answer to (*e*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(1) removing their grievances; and

(2) reinstating them immediately?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (*a*) and (*c*) No.

(*b*), (*d*) and (*f*)(2) Do not arise.

(*e*)(*i*) Yes.

(*ii*) They are not technical men but they are operatives who have learnt the work which is not at all difficult to pick up.

(*f*)(1) Yes, after enquiry.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many persons are covered by "they" in answer (*e*) (*ii*)?

The Hon'ble Mr. K. SHAHABUDDIN: Those who have put in representations, but I cannot give the exact number.

Dr. NALINAKSHA SANYAL: May I know how many persons have put in representations?

The Hon'ble Mr. K. SHAHABUDDIN: I have already answered that. I cannot give the number.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that any operative in the Silk Conditioning House has either been asked to resign or has been penalised in any way for having put in a claim for increased emoluments?

The Hon'ble Mr. K. SHAHABUDDIN: I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether his answer "No" to (*a*) and (*c*) refers to the discharged or to skilled operatives?

The Hon'ble Mr. K. SHAHABUDDIN: To the discharged.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that some of the operatives—at least 2 that I know of—are no longer in service?

The Hon'ble Mr. K. SHAHABUDDIN: I am not aware of it.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether it is not a fact that Susama Chakravarti, Sudangshu Manna, Gouri Charan Goswami, Sirajul Islam and Fazlul Huq these 5 employees have been discharged as referred to in the answer?

The Hon'ble Mr. K. SHAHABUDDIN: I have stated that I am not aware of it. I shall, however, make enquiries and supply the information if necessary.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (*f*) (*1*), will the Hon'ble Minister be pleased to state whether these 5 persons referred to are still in service, and if not, when were they discharged and on what grounds?

The Hon'ble Mr. K. SHAHABUDDIN: It is not possible for me to give the information.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (*f*) (*1*), since the answer to (*c*) (*iv*) is clear that these men have picked up and learnt their work what enquiry does the Hon'ble Minister propose to make before considering the question of the removal of their grievances?

The Hon'ble Mr. K. SHAHABUDDIN: The point is that if there are any genuine grievances to be removed they will be removed after enquiry.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the nature of their grievances and what have been their emoluments now and what they expect?

The Hon'ble Mr. K. SHAHABUDDIN: I would ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the Government or the Minister in charge took any interest in finding out from the files if their application or any copy thereof is anywhere available?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the substance of the representation which these gentlemen made?

The Hon'ble Mr. K. SHAHABUDDIN: I have not got the file before me just now and I would ask for notice.

Mr. NISHITHA NATH KUNDU: In view of the answer given does the Hon'ble Minister think it desirable to hold a sifting enquiry into the matter and grant them the necessary remedies?

The Hon'ble Mr. K. SHAHABUDDIN: I have nothing further to add to my answer (*f*) (*1*).

Grant of family allowance to some security prisoners.

***63. Babu JNANENDRA CHANDRA MAJUMDAR:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(i) whether Babu Priya Ranjan Das Gupta, Miss Banalata Sen, Miss Nirmala Ray, Babu Manindra Nath Bose, Babu Ramesh Chandra Ghosh, Babu Sachindra Mohan Kar, Babu Satya Ranjan Ghatak, Babu Sandip Sethia, Babu Gouri Sen and Babu Manish Chandra Sen who are now security prisoners lodged in jails have applied to the Government for grant of family allowances;

(ii) whether they were the main earning members of their families and used to maintain them with their earnings; and

(iii) the present financial condition of their families since their arrest and detention?

(b) If the answer to (a) (i) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken on their petitions?

(c) Will the Hon'ble Minister be pleased to state—

(i) what was the income of the abovementioned security prisoners before their arrests; and

(ii) how their family members are being maintained now?

(d) Is the Hon'ble Minister considering the desirability of granting family allowances to these security prisoners?

(e) If the answer to (d) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin:) (a) (i) Yes.

(ii) and (iii) and (b) to (e) Babu Priya Ranjan Das Gupta, Miss Banalata Sen, Miss Nirmala Ray, Babu Manindra Nath Bose, Babu Sachindra Mohan Kar, Babu Satya Ranjan Ghatak, Babu Sandip Chand Sethia and Babu Manish Chandra Sen have been granted family allowances of Rs.40, Rs.50, Rs.50, Rs.15, Rs.40, Rs. 20, Rs.30, and Rs.20 per month, respectively.

No family allowance has been granted to Babu Ramesh Chandra Ghosh. It is reported that he was of no financial assistance to his family before his arrest and that he has an earning brother and the family has landed property. Babu Gouri Prasad Sen has already been released.

Mr. SASANKA SEKHAR SANYAL: I rise on a point of order, Sir. My point of order is this. If you will please look into question (c) (i), you will find that the question runs thus: "What was the income of the abovementioned security prisoners before their arrest". There is a mass answer to questions (b) to (e) in which the names of the security prisoners and the allowances that they get are given, but no answer to that part of the question mentioned by me is there.

Mr. SPEAKER: That is another matter. You may ask supplementary questions if you like.

Mr. SASANKA SEKHAR SANYAL: Sir, if I put supplementary questions he may say "I would ask for notice".

Mr. SPEAKER: What can I do?

Khan Bahadur MOHAMMED ALI: I think I should be able to answer any supplementary questions that may be put.

Mr. NISHITHA NATH KUNDU: In view of the policy very recently enunciated by the Government of India that even if members were not earning or assisting their family before their arrest they will be entitled to receive allowances on the ground that——

Mr. SPEAKER: Why are you giving all these reasons and quoting certain orders. Please put the question straightaway.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he is aware of the policy laid down by the Central Government regarding grant of family allowance to persons detained as security prisoners though they were not assisting their family when they were arrested?

Khan Bahadur MOHAMMED ALI: No.

Mr. NISHITHA NATH KUNDU: In view of the answer given does the Hon'ble Minister think it desirable to revise his answer and grant allowance to all the security prisoners who have been detained?

Khan Bahadur MOHAMMED ALI: I would refer the honourable member to my reply wherein it has been made clear that liberal allowances have been granted to almost all the security prisoners, except in one case where it was found that he was not earning anything and that he had no dependant. So far as the case of Gouri Prasad Sen (who has been released) is concerned he has been given Rs. 15 on compassionate grounds even though he was not an earning member of the family.

Mr. NISHITHA NATH KUNDU: We appreciate the liberality of this Government, but still will the Hon'ble Minister be pleased to state if the Government is going to revise their method of granting family allowances to all persons detained in pursuance of the policy laid down by the Central Government in this behalf?

Khan Bahadur MOHAMMED ALI: I have said I am not aware of the policy laid down by the Central Government, but I have made it abundantly clear in my reply that even though a prisoner was not an earning member of the family, if it is a fit case, Government have sanctioned allowances on compassionate grounds.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether Government is ready to give answers to questions (*a*) (*ii*) and (*iii*) and (*c*) (*i*) and (*ii*), as they have not given any answers to these questions?

Khan Bahadur MOHAMMED ALI: If the honourable member insists and he wants detailed information I shall be prepared to supply it.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell us when can the House expect these answers from the Hon'ble Minister?

Khan Bahadur MOHAMMED ALI: Just now, if he insists.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House what was the income of the abovementioned security prisoners before their arrest?

Khan Bahadur MOHAMMED ALI: Then it is better to supply the full information :—

(1) *Priya Ranjan Das Gupta*—An allowance of Rs. 40 per mensem has been granted on reconsideration with effect from 1st April, 1943. His pre-arrest income was also Rs. 40 per month. His elder brother earns Rs. 15 to Rs. 20 per mensem and his uncle, who is on War service, remits Rs. 180 per mensem to the family.

(2) *Miss Bimalata Sen*—Against her pre-arrest income of Rs. 74 per mensem, an allowance of Rs. 50 has been granted per month with effect from 5th October, 1942. She was granted leave on full pay by the Calcutta Corporation under which she was serving for a month with effect from her date of arrest (6th September, 1942).

(3) *Miss Nirmala Roy*—Originally a consolidated allowance of Rs. 50 for a month with effect from her date of arrest (6th September, 1942), for this prisoner, and her sister, Miss Sushama Roy, who was also then a security prisoner. This allowance was enhanced to Rs. 75 per mensem with effect from 1st April, 1943. Her sister has since been released and the allowance has been reduced to Rs. 50 per mensem with effect from 1st July, 1944. Pre-arrest income—Rs. 100 per mensem.

(4) *Manindra Nath Bose*—Against his pre-arrest income of about Rs. 35 per mensem (Rs. 1-2-0 per day) an allowance of Rs. 15 per mensem has been granted with effect from his date of arrest 9th September, 1942. He is unmarried and his brother and nephew are earning.

(5) *Ramesh Chandra Ghosh*—No family allowance has been granted. This prisoner was of no financial assistance to his family. He has an earning brother and the family has landed property.

(6) *Sachindra Mohan Kar*—Originally an allowance of Rs. 20 per month was sanctioned with effect from his date of arrest (24th October, 1942), to his wife. This allowance has been enhanced to Rs. 30 per month with effect from 1st March, 1944, and his mother has been granted a separate allowance of Rs. 10 per month with effect from 1st April, 1943. The total family allowance is at present Rs. 40 and his pre-arrest income was only from Rs 15 to Rs. 20 from homeopathic practice.

(7) *Satya Ranjan Ghatak*—This prisoner was arrested on 24th October, 1942, and released in May, 1943, and has been re-arrested on 7th December 1943. During his previous detention he was granted an allowance of Rs. 15 per month and with effect from 7th December, 1943, an allowance of Rs 20 per month has been sanctioned. Before his first arrest he was earning Rs. 10 per month and before the second arrest he claims to have earned Rs. 30 per month but it has not been verified.

(8) *Sandip Chand Sethia.*—He had no income before his arrest. An allowance of Rs. 30 per mensem has been granted on reconsideration on compassionate ground, according to the liberal policy adopted by this Government, with effect from 1st April, 1944.

(9) *Gouri Prasad Sen.*—He was released on 25th March, 1943. He was of no financial assistance to his family. However an allowance of Rs. 15 per mensem was granted on compassionate ground with effect from 1st April, 1943.

(10) *Manish Chandra Sen*—An allowance of Rs. 20 per month has been sanctioned on reconsideration with effect from 1st April, 1943. Before his arrest he served under the District Board, Rangpur, at Rs. 30 per month for 14 days only. He lost this appointment on 1st June, 1944. He occasionally earned Rs. 5 to Rs. 8 as a private tutor.

(The House was adjourned for fifteen minutes.)

(After adjournment.)

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether he is aware that Miss Nirmala Roy's sister, Miss Susama Roy, has been home interned and has been externed from Calcutta for one month or so?

Khan Bahadur MOHAMMED ALI: I ask for notice. The only information I have is that she has been released.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state according to what liberal policy of the Government of Bengal Babu Manindra Nath Bose has been given Rs. 15 as allowance while he has been earning according to the admission of the Minister himself Rs. 30 per month before his arrest?

Khan Bahadur MOHAMMED ALI: Because he has no dependants. He is unmarried and his brothers and nephews are earning members of the family

Mr. CHARU CHANDRA ROY: With reference to the answer just now given about Miss Susama Roy and Miss Nirmala Roy accepting that they had an income of Rs. 100 per month before their arrest, will the Hon'ble Minister be pleased to tell us, as Miss Susama Roy is now interned at home and externed from Calcutta, whether Government is going to increase the family allowance of Miss Nirmala Roy?

Khan Bahadur MOHAMMED ALI: There was a consolidated allowance of Rs. 75 per month when both of them were in detention but as one of them has been released the allowance has been reduced from Rs. 75 for two prisoners to Rs. 50 for one prisoner.

Mr. NISHITHA NATH KUNDU: In view of the reply that Miss Susama Roy has been home interned and externed from Calcutta and as a result deprived of her income, does the Hon'ble Minister consider it desirable to revise, reconsider and increase the allowance granted to Miss Nirmala Roy?

Khan Bahadur MOHAMMED ALI: I have no information regarding the internment of and restrictions imposed on Miss Susama Roy but if the honourable member desires, the case of Miss Nirmala Roy may be reviewed.

Mr. NISHITHA NATH KUNDU: In view of the answer just given that even when persons detained were not earning members family allowances have been granted to them, does the Hon'ble Minister think it desirable to revise the decision in the case of Babu Romesh Chandra Ghosh?

Khan Bahadur MOHAMMED ALI: Sir, the case of Babu Ramesh Chandra Ghosh was very carefully considered and it was found that he has no dependants and that he has an earning brother and that the family has landed property to support themselves.

Mr. SASANKA SEKSHAR SANYAL: Arising out of an answer not just given but given in the course of the present interpellation that even when a prisoner was not an earning member allowances were given on compassionate grounds provided that it was a fit case, will the Hon'ble Minister be pleased to state how is the fitness for such compassionate allowance determined?

Khan Bahadur MOHAMMED ALI: In cases where Government find that the family is really in distress.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what is the area of the landed property of Babu Ramesh Chandra Ghosh?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what the Government proposes to do when prisoners make applications stating that their detention has affected the economic stability of the family?

Khan Bahadur MOHAMMED ALI: Government asks the district officer if the prisoner happens to come from the district or the Commissioner of Police in the case of Calcutta to make enquiries.

Mr. SASANKA SEKHAR SANYAL: What does the Government do if a particular officer in connection with a particular application of this nature gives a report against the application of the prisoner?

Mr. SPEAKER: That is more or less hypothetical. I can understand it if it relates to certain statement of facts. I do not think that question does arise.

Mr. SANTOSH KUMAR BASU: In reply to certain questions the Minister has said that Government is laying down policies and out of those answers this question arises, I submit.

Mr. SPEAKER: Very well.

Mr. SASANKA SEKHAR SANYAL: Sir, I am amending the question accordingly. Will the Hon'ble Minister be pleased to state whether a prisoner in respect of whose application there is an adverse report by the local officer is given an opportunity to substantiate his case that his detention has adversely affected the economic condition of his family?

Khan Bahadur MOHAMMED ALI: Government has no reason to doubt the authenticity or correctness of the report of its officers.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether there is any instruction given to local officers that from certain persons of the locality the required information should be elicited?

Khan Bahadur MOHAMMED ALI: I think necessary information is obtained from near relations, friends and neighbours of the prisoner concerned.

Under-trial prisoners of Midnapore Central Jail and Contai and Tamluk Sub-jails.

*64. **Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact—

(*i*) that a number of under-trial prisoners are kept confined in the Midnapore Central Jail and Contai and Tamluk Sub-jails for four months and upwards without being produced before any trying Magistrate;

(*ii*) that some under-trial prisoners in Midnapore Central Jail are confined without being produced before any trying Magistrates, within ten months from their arrests;

(*iii*) that a number of under-trial prisoners in the Midnapore Central Jail are engaged in hard labour, such as drawing water from wells, carrying water-drums, chopping heavy logs for fuel;

(*iv*) that the under-trial prisoners and many convict prisoners in the same jail are clad in dirty and stinking rags,

(*v*) that the prisoners referred to in (*a*) (*iii*) are not, or very rarely, supplied with washing soda or soap, etc.;

(*vi*) that many of the prisoners—under-trials and convicts,—are not supplied with requisite utensils or any utensils, blankets, or extra blankets in the winter and minimum quantity of water for bathing;

(*vii*) that the number of prisoners in the Midnapore Central Jail and Contai and Tamluk Sub-jails increased more than double the normal capacity;

(*viii*) that the requisite numbers of cots are not supplied to patients in the Midnapore Jail Hospital;

(*ix*) that the accommodations in the Midnapore Jail Hospital are not adequate for the increased number of patients;

(*x*) that patients died in the observation wards before any treatment was available to them;

(*xi*) that the doctors in the Jail Hospital are over-worked due to increased number of patients;

(*xii*) that the death rate in the Midnapore Central Jail is proportionately higher, during the year 1943;

(*xiii*) that the basic medicines supplied to the Midnapore Central Jail Hospital are far below the quantity required for the increased number of patients;

(*xiv*) that the number of privy cells available for the convicts and under-trials in the Midnapore Central Jail are quite inadequate for the increased number of prisoners;

(*xv*) that large number of under-trials are not allowed to secure any clothings from outside at their own cost;

(*xvi*) that adequate quantity of disinfectants is not supplied in the Midnapore Central Jail;

(*xvii*) whether any under-trial prisoners are kept detained after their confinement being quashed by the Hon'ble High Court;

(*xviii*) that the collection of books in the Midnapore Central Jail Library is not adequate for the prisoners; and

(*xix*) that no extra ration is issued for the labouring under-trial prisoners in the Midnapore Central Jail?

(*b*) If the answers to (*a*) (*iii*), (*iv*) and (*xix*) are in the affirmative, will the Hon'ble Minister be pleased to state what action do the Government propose to take in the matter?

(*c*) If the answers to (*a*) (*i*), (*ii*) and (*v*) to (*xviii*) are in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of taking steps in the matter?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) No. All under-trial prisoners are produced before the Magistrates of the local courts.

(*ii*) There were some under-trial prisoners in *hajat* over ten months before their cases could be taken up for trial, but they were regularly produced in court for fresh remand pending taking up of their cases for trial.

(*iii*) Yes, but they had volunteered their services to do so.

(*iv*) There were periods when *sajimati* was not available in the jail and the prisoners' clothes had to be washed with wood-ash as a substitute but the result was not as satisfactory as *sajimati*-wash. No clothes were kept unwashed.

(*v*) Such prisoners are not supplied with soap or soda from jail to wash their clothes but they are allowed to buy these articles for the purpose out of their personal cash if they do not like to use *sajimati* or its substitutes supplied from jail.

(*vi*) Owing to the unexpected influx of prisoners the aluminium utensils fell short and the prisoners had to be supplied with "Sal" leaves for taking their meals and earthen pots and tin-mugs for drinking water. At the beginning of winter there was difficulty in supply of the full quota of blankets to prisoners as no supply could be received due to the stoppage of railway booking to Midnapore. In the early part of January, when supply was received the prisoners got their quota and weak and infirm prisoners were supplied with extra blankets. During the hot weather there was some scarcity of water in the Midnapore Central Jail. A project for increasing the water supply is under consideration of Government.

(*vii*) Yes.

(*viii*) There are requisite number of cots for allotted beds in the wards with a few extra for providing extra beds but when there was a large influx of patients, the convalescents and mild cases were given beds on *pucca* floor.

(*ix*) Special accommodation has been provided in an adjacent barrack to meet increased admissions in hospital.

(*x*) Only one patient died in the observation ward in the Midnapore Central Jail but he was fully examined and necessary treatment was prescribed and given by the doctor.

(*xi*) Yes, but they have carried their duties loyally and ungrudgingly to the satisfaction of everybody concerned.

(*xii*) Yes, due to the large number of admissions of famished and moribund under-trial prisoners.

(*xiii*) Considering the present difficult condition, the supply of medicine in the Jail hospital cannot be said to be inadequate.

(*xiv*) The number of latrines could not be proportionately increased with the increase of prisoners due to lack of building materials.

(*xv*) No, they are asked to do so whenever they are inadequately clad or in rags

(*xvi*) This could not be done at all times when lime could not be brought for want of supply of wagons nor was available locally, but substituted disinfectants such as phenyle, cresol or phencol were supplied as far as they were available.

(*xvii*) No.

(*xviii*) The books are quite adequate for normal times.

(*xix*) Under-trial prisoners who volunteer to work are always given more food than other under-trial prisoners.

(*b*) and (*c*) Do not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state if the undertrial prisoners referred to were actually produced before the Magistrate in the court or that there was a report that they were produced and remanded to further jail custody?

Khan Bahadur MOHAMMED ALI: They were produced before the Magistrate.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the date or dates when such undertrial prisoners were actually produced before the Magistrate?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that it is the usual practice of the police both in the mofussal jails as well as in Calcutta including Alipore and Howrah to obtain from the Magistrates the order of remand for custody even without actually producing them before the Magistrates?

Khan Bahadur MOHAMMED ALI: I am not aware of any such practice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that not very far away but in the town of Howrah undertrial prisoners have been remanded to jail custody merely because there was no printed form for obtaining securities for these prisoners?

Khan Bahadur MOHAMMED ALI: I have no information. I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state what was the reason for delaying the trial for over 10 months as is mentioned in the answer?

Khan Bahadur MOHAMMED ALI: Pending police investigation the cases could not be taken up.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long the police investigation took in the cases of these prisoners, and why?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there have been a large number of prisoners detained in Midnapore and other jails due to the laches of the police in carrying out investigations earlier than they actually did in these cases?

Khan Bahadur MOHAMMED ALI: Government have no such information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government's attention has been drawn to observations made on the floor of the House during the last budget discussion where complaints were brought to the notice of Government that a large number of under-trial prisoners at Alipore, Midnapore and other jails were detained for indefinite periods because of police laches or Magistrates' laches?

Khan Bahadur MOHAMMED ALI: Government's attention is always drawn to observations made on the floor of the House.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government is aware that in a recent case tried by Magistrate Mr. Siddique in the Howrah court, a young boy was kept detained for nearly 10½ months for having taken one anna from a rickshaw-puller?

Mr. SPEAKER: Dr. Sanyal, it appears the question relates to under-trial prisoners of Midnapore Central Jail. No question of Howrah arises.

Dr. NALINAKSHA SANYAL: I quite see that. I therefore previous to that had asked certain other questions to obtain the answer.

Mr. SPEAKER: That was allowed because I did not notice this.

Dr. NALINAKSHA SANYAL: Do you disallow that question——.

Mr. SPEAKER: Yes, I disallow.

Dr. NALINAKSHA SANYAL: .... .where I said that a young boy was kept in jail custody for having taken one anna from a rickshaw-puller.

Mr. SPEAKER: I have understood you, but you cannot expect an answer in view of my decision that this does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*iv*) and (*v*), will the Hon'ble Minister be pleased to state if it is the policy of Government not to supply clothes to under-trial prisoners even if the prisoners are kept detained for a very long time?

Khan Bahadur MOHAMMED ALI: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any instructions have been given to the jail authorities to see that under-trial prisoners get clothings supplied by the jail authorities as convicted prisoners are given periodically?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that as a result of prolonged detention of under-trial prisoners with the provision that no clothing is to be supplied to them, large number of prisoners in the Midnapore jail and Contai jail as also other jails in Bengal have been suffering terribly?

Khan Bahadur MOHAMMED ALI: All these grievances will be looked into by Government.

Dr. NALINAKSHA SANYAL: With reference to answer (*vi*) where it is admitted that in January winter clothing was given to these prisoners, will the Hon'ble Minister be pleased to state what happened during the cold months of November and December?

Khan Bahadur MOHAMMED ALI: Whotever stock there was it was supplied to the security prisoners. As I have stated in the reply, all the prisoners could not be supplied with blankets because there was difficulty in obtaining supplies from Calcutta for want of transport facilities.

Dr. NALINAKSHA SANYAL: With reference to answer (*vii*) "Yes", will the Hon'ble Minister be pleased to state what are the respective capacities of the three jails referred to, namely, Midnapore Central Jail and Contai and Tamluk Sub-jails and what was the maximum number of prisoners actually kept therein?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*viii*) where it is stated that convalescents and mild cases were given beds on *pucca* floor, will the Hon'ble Minister be pleased to state whether on the *pucca* floor any bedding was supplied?

Khan Bahadur MOHAMMED ALI: Yes, Sir, bedding was supplied.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in the same hospital under the cots patients had to be kept because there was no room for moving them otherwise?

Khan Bahadur MOHAMMED ALI: That is not correct.

Dr. NALINAKSHA SANYAL: With reference to answer (*ix*) where it is stated that special accommodation was provided in an adjacent barrack to meet increased admission in hospital, will the Hon'ble Minister be pleased to state what is the number of barrack?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the answer given is entirely misconceived, if not incorrect?

Khan Bahadur MOHAMMED ALI: No, Sir, it is quite correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to give any idea of the barrack referred to where it is stated "adjacent barrack"?

Khan Bahadur MOHAMMED ALI: I said accommodation was provided in a barrack adjacent to the hospital?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if that barrack referred to as "adjacent barrack" was within the hospital compound or outside and whether it was ever before used as hospital or a place for patients to be put in?

Khan Bahadur MOHAMMED ALI: I ask for notice but evidently it was never before used as a hospital.

Dr. NALINAKSHA SANYAL: With reference to answer that one person died and necessary treatment was prescribed and given by the doctor, will the Hon'ble Minister be pleased to state the nature of the ailment from which he died and the date when the disease was first discovered and the treatment given?

Khan Bahadur MOHAMMED ALI: He asks three questions. Let him put the questions one by one.

Mr. SPEAKER: You put one question first.

Dr. NALINAKSHA SANYAL: My first question is the nature of ailment from which this prisoner suffered; my second question is when it was first scovered and when the treatment was given.

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*xii*) that there have been many more cases of deaths in the Midnapore Jail than elsewhere amongst under-trial prisoners, will the Hon'ble Minister be pleased to state if the term "famished and moribund" applies to prisoners after they were inside the jail or before they were arrested?

Khan Bahadur MOHAMMED ALI: Certainly before they were sent to jail.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government took particular care to arrest famished and moribund persons to be kept in jail?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*xiii*) that hospital medicine supplied was not inadequate, will the Hon'ble Minister be pleased to state what was the additional supply provided for the jail as there was a large influx of additional indoor jail inmates?

Khan Bahadur MOHAMMED ALI: To give full details of indents I ask for notice.

Dr. NALINAKSHA SANYAL: With regard to answer (*a*) (*xiv*), will the Hon'ble Minister be pleased to state what is the number of latrines additionally provided, if at all?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether if building materials were not available, bamboo mats and *chatai* and straw were locally available or not for making temporary latrines and sheds?

Khan Bahadur MOHAMMED ALI: As far as possible, additional latrines were provided, but certainly they were not proportionate to the increase of prisoners.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he has any information as to any additional latrines provided at all?

Khan Bahadur MOHAMMED ALI: Yes.

Dr. NALINAKSHA SANYAL: How many?

Khan Bahadur MOHAMMED ALI: I connot give the number, but additional latrines were provided, and as I have already admitted they were not proportionate to the increase of prisoners.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*xv*) that clothings were not refused from outside and "they are asked to do so whenever they are inadequately clad or in rags" will the Hon'ble Minister be pleased to state whether Government consider the desirability of supplying the under-trial prisoners with clothings at their own cost when they were inadquately clad or in rags?

Khan Bahadur MOHAMMED ALI: This question had already been put by Dr. Sanyal and I have already asked for notice. It is an omnibus question relating to twenty cases in all.

Dr. NALINAKSHA SANYAL: It relates to only two cases. With reference to answer (*xvii*), will the Hon'ble Minister be pleased to state if it is not a fact that at least one prisoner was kept detained in the Contai Jail after the High Court directed that he should be released?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DUTTA: With reference to answer (*a*) (*vii*), will the Hon'ble Minister be pleased to state whether there is anything on record in the tickets to show that these under-trial prisoners volunteered their services?

Khan Bahadur MOHAMMED ALI: I cannot say whether it is recorded in the ticket, but it is certainly recorded that they have volunteered.

Parliamentary Secretaries and Whips of Bengal Government.

***65. Mr. MIAN ABDUL HAFIZ and Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state—

(*a*) the number of Parliamentary Secretaries;

(*b*) the number of Whips who have been appointed by Government;

(*c*) the salaries fixed for each of them;

(*d*) how many places these Whips and Parliamentary Secretaries toured out from 1st of May to 31st December, 1943;

(*e*) the amount of money each of them (1) has drawn and (2) has submitted bills for travelling allowances and daily allowances; and

(*f*) whether these tours were made in the public interest?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) to (*e*) A statement showing the particulars is laid on the Table. Messrs. Jatindra Nath Chakravarty, Atul Chandra Kumar and Biren Roy have since resigned and Messrs. Krishna Chandra Roy Chaudhury and J. N. Gupta have been appointed Parliamentary Secretaries.

(*f*) Yes.

Statement referred to in reply to clauses (a)—(e) of starred question No. 65.

Name.	Designation.	Salary fixed.	Place toured from 1st May to 31st December, 1943.	Amount of travelling and daily allowances. Drawn.		Bill pending.	
		Rs.		Rs.	a.	Rs.	a.
(1) Mr. Fazlur Rahman, M L A	Parliamentary Secretary and Chief Whip, Government of Bengal.	1,000	Dacca, Rangpur, Chittagong, Khulna, Burdwan, Darjeeling, Krishnanagar and Karachi.	2,181	0	..	
(2) Khan Bahadur Mohammad Ali, M.L.A.	Parliamentary Secretary ..	750	Bogra, Chittagong and Dacca ..	1,080	0	..	
(3) Mr. Mesbahuddin Ahmed, M L C. ..	Parliamentary Secretary and Chief Whip, Bengal Legislative Council.	750	Chandpur, Dacca and Faridpur ..	493	13	..	
(4) Mr. Abdulla-Al-Mahmood, M L.A. ..	Parliamentary Secretary ..	500	Serajganj, Asansol, Pabna, Nilphamari, Dacca and Barisal.	905	14	..	
(5) Khan Bahadur A. F. M. Abdur Rahman, M L A.	Ditto ..	500	Basirhat, Darjeeling, Rajshahi, Barisal, Chittagong, Ranaghat, Jalpaiguri, Sarisabari and Karachi.	2,396	0	..	
(6) Mr. Rasik Lal Biswas, M L A	Ditto .	500	Karachi	736	2	..	
(7) Mr. Jatindra Nath Chakravarty, M.L.A.	Ditto	500	Kurigram, Nilphamari and Mymensingh	836	11	..	
(8) Rai Sahib Anukul Chandra Das, M L A.	Parliamentary Secretary and Whip.	500	....	..		..	
(9) Khan Sahib Hamiduddin Ahmed, M L A.	Parliamentary Secretary .	500	Bajitpur, Mymensingh and Faridpur ..	1,159	2	..	
(10) Mr. Atul Chandra Kumar, M L.A. .	Ditto .	500	Rajshahi, Dacca, Jalpaiguri, Nimtita, Ultadanga, Malda, Burdwan, Panchkura, Berhampore, Khulna and Delhi.	1,252	9	..	
(11) Khan Sahib Mafizuddin Ahmed, M L.A	Ditto .	500	Comilla, Mahimganj, Noakhali, Jessore, Hyderabad and Delhi.	1,446	9	..	
(12) Mr. Banku Bihari Mondal, M L A	Ditto ..	500	Asansol, Dacca and Karachi .	997	3	..	
(13) Nawabzada Khwaja Nasarullah, M.L A.	Ditto	500	Dacca, Nimtita, Tamluk and Mymensingh	1,211	12	..	
(14) Mr. Biren Roy, M L C .	Ditto .	500	Jaipur, Barisal and Lahore ..	903	2	..	
(15) Mr. Serajul Islam, M L A. .	Ditto	500	Bongaon, Mahimganj and Jessore .	297	2	..	
(16) Mr. Syed Abdul Majid, M L.A .	Ditto	500	Noakhali, Faridpur, Kishoreganj and Chittagong.	1,263	10	..	

Dr. NALINAKSHA SANYAL: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether the salary fixed is in addition to the member's salary or is inclusive of the salary as a member of the legislature?

Khan Bahadur MOHAMMED ALI: It is not in addition to the member's salary.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reasons, if any, for differential salaries allotted to different Parliamentary Secretaries?

Khan Bahadur MOHAMMED ALI: There is a difference only in two cases, and that is due to the work involved.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the legislative sanction, if any, for fixing the salaries of Parliamentary Secretaries as mentioned in answer (*a*)?

Khan Bahadur MOHAMMED ALI: There is provision for appointment of Parliamentary Secretaries and payment of emoluments to them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to quote the particular section referred to, i.e., the provision for paying emoluments to Parliamentary Secretaries?

Khan Bahadur MOHAMMED ALI: I cannot quote ofhand; but if the honourable member gives notice this can be answered.

Dr. NALINAKSHA SANYAL: With reference to column 4 regarding the places visited, will the Hon'ble Minister be pleased to state if the Parliamentary Secretaries have to produce any certificate or any declaration stating or showing the nature of public business in the places in which they toured?

Khan Bahadur MOHAMMED ALI: They have only to give certificates that they have been deputed by the Hon'ble Ministers in charge to undertake the journeys.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any relevant certificate to that extent was obtained with regard to visits outside the province, e.g., to Karachi, Lahore and Jaipur?

Khan Bahadur MOHAMMED ALI: Yes; before payment of the emoluments the Parliamentary Secretary had to certify that he undertook the journey acting under the instructions of the Hon'ble Minister.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is the practice of the Minister concerned as mentioned just now to enquire of the actual nature of public business done by the Parliamentary Secretary on tour whether outside the province or within the province?

Khan Bahadur MOHAMMED ALI: I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that one Parliamentary Secretary saw Jaipur, a place beyond the limits of British India, and what was the nature of public business over there?

Khan Bahadur MOHAMMED ALI: I have not got the paper for that, but the said Parliamentary Secretary is now a member of the Opposition.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that Jaipur is the father-in-law's place of that Parliamentary Secretary, where the wife of that Parliamentary Secretary was at that time residing?

Khan Bahadur MOHAMMED ALI: I am not aware of that. As that Parliamentary Secretary has now resigned it is not possible to say.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the public business referred to related to the visit of the Parliamentary Secretary to see his newly born baby at Jaipur?

Mr. SPEAKER: Is not that according to Indian custom a pious act? (Laughter.)

Dr. NALINAKSHA SANYAL: Is that the public business for which he visited Jaipur?

Khan Bahadur MOHAMMED ALI: I have not got the file before me. I am unable to say what was the nature of business done there.

Dr. NALINAKSHA SANYAL: Has Government's attention been invited to those visits including places like Karachi and whether this was in connection with a Muslim League party meeting?

Khan Bahadur MOHAMMED ALI: It was in connection with a Conference of Ministers and Parliamentary Secretaries.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the nature of public business, if any, conducted at that Karachi Conference?

Khan Bahadur MOHAMMED ALI: A report of that meeting was published in all newspapers and if Dr. Sanyal is a habitual reader of newspapers he ought to be aware of the proceedings that took place in that Conference.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any official report of the proceedings has been received by the Government of Bengal or is available in the Library?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the newspapers published——

Mr. KIRAN SANKAR ROY: There must be an official report.

Dr. NALINAKSHA SANYAL: Is any report of that conference available to the Government of Bengal?

Khan Bahadur MOHAMMED ALI: I am not aware. I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the Parliamentary Secretaries concerned are also entitled to visiting their own places of usual residence like Mr. Fazlur Rahman visiting Dacca and Khan Bahadur Mohammed Ali going to Bogra at Government cost? (Laughter.)

Khan Bahadur MOHAMMED ALI: The usual place of residence of Parliamentary Secretaries is now Calcutta, and it is not the places which the honourable member has mentioned.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the amount of travelling allowance and daily allowance includes or is exclusive of other allowances drawn by a Parliamentary Secretary as a member of the legislature or as a member of a Committee or otherwise drawn from Government sources for various other functions?

Khan Bahadur MOHAMMED ALI: I made it clear that Parliamentary Secretaries do not receive any member's salary nor any daily allowance or conveyance allowance.

Mr. SPEAKER: Question time is over.

Mr. SANTOSH KUMAR BASU: Only one question, Sir. I shall not take much time. In view of the honourable member's statement that the difference in salaries is due to the difference in the amount of work done, why should not the highest salary be paid to the most hard-worked Parliamentary Secretary on the floor of the House, viz., Khan Bahadur Mohammed Ali?

Mr. SPEAKER: That question does not arise.

AMENDMENTS OF THE BENGAL LEGISLATIVE ASSEMBLY PROCEDURE RULES.

The Hon'ble Khwaja Sir Nazimuddin: Sir, I beg——

Dr. SYAMAPRASAD MOOKERJEE: On a point of order, Sir.

Mr. SPEAKER: Let him move his motion and then you can rise on a point of order.

Dr. NALINAKSHA SANYAL: If the point of order is upheld, what happens to the motion that is moved?

Mr. SPEAKER: It can be ruled out.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg leave to introduce the amendments to the Bengal Legislative Assembly Procedure Rules, the notice of which has already been given to the members of this House.

Point of Order.

Dr. SYAMAPRASAD MOOKERJEE: I rise on a point of order, Sir. My point of order is that the proposed amendment of the rules by the introduction of Rule 47-A is *ultra vires* and illegal inasmuch as it infringes the provisions of the Government of India Act. Sir, it is not my object at this stage to dilate on the merits of the proposals. I do not wish to discuss now how the proposals are of an extraordinary nature, the like of which will not be found in the Procedure Rules of any legislative body throughout the civilised world. I do not wish to discuss just now how the proposed rules deliberately infringe the rights and privileges of the Speaker and how they make the House itself subservient to the Governor and the Executive in respect of certain important matters concerning its procedure and conduct of business. Sir, the object of the rules is to empower the Governor before or after the introduction of a Bill in the Chamber to allot a fixed number of days for its discussion in one or another of the stages through which it has normally to pass in the Chamber. It is further laid down that if discussion in respect of a stage is not concluded while the time allotted by the Governor for such discussion is over, the Speaker will be required to put the question forthwith and dispose of that stage of the Bill. That in substance is the purpose of one part of the rules. In fact, the changes are divided into three portions. The first and the major portion is what I have just now stated it to be. Under the Government of India Act, section 84, "A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business". If you will please refer to the Act, you will find that this clause is followed by a very important proviso which gives certain powers to the Governor to frame rules after consultation with the Speaker or the President as the case may be concerning a Legislative Assembly or a Legislative Council. In the first place, I would draw your attention to section 60, which defines what constitutes a Provincial Legislature. "There shall for every province be a Provincial Legislature which shall consist of His Majesty, represented by the Governor and in the provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam, two Chambers". The Legislature in Bengal consists of the Governor

representing His Majesty and two Chambers, that is section 60. Section 84 says that "A Chamber of a Provincial Legislature may make rules for regulating subject to the provisions of this Act, their procedure and the conduct of their business". In other words, the Governor is a stranger so far as the Chamber of a Provincial Legislature is concerned. That is an important point which, Sir, I would ask you to note. Now, the Governor has been given powers in different parts of the Government of India Act with regard to the administration of the province. Such powers are first of an executive nature and secondly of a legislative nature. But whatever powers Parliament wanted to vest in the Governor either executive or legislative or special are specifically indicated in the Act itself. Now, Sir, I would again draw your attention to section 84 because it is under section 84(*1*) that the proposed amendment of the rules is to be made. Section 84(*1*) lays down that the Chamber shall frame its own rules for its procedure and the conduct of its business. But the Governor also has been given power to frame rules with regard to certain specific matters. I shall not take you through all these sub-clauses but I shall emphasise that this is an exception to the general rule, to the general power, which has been vested in the Chamber. The Chamber has to conduct its own business. The Chamber has to lay down its own procedure. The exception is that in certain specified matters, the Governor can frame rules even with regard to procedure and conduct of business. I shall not trouble you with extracts from the Joint Select Committee proceedings or discussions in Parliament but a cursory glance at these proceedings will show that the spokesman of the British Government in those days were emphasising that in view of the essential and important nature of the duties mentioned in the proviso it was necessary that the Governor should be vested with certain specific powers by way of exception. They wanted not to take any risks whatsoever. They were granting provincial autonomy but that provincial autonomy was subject to certain restrictions which were laid down in various portions of the Act, one of which is in the proviso to section 84. Now, here if you look at sub-clause (*b*), you will find that the Governor may frame rules for securing the timely completion of financial business. I need not take you specifically through the other sub-clauses but if you look at them you will find that they are really intended to guarantee that the Governor can exercise his functions either under his special responsibility or in respect of matters where he acts in his individual judgment or in his discretion or he can influence the procedure of a provincial Assembly with regard to those matters in a manner which he considers to be in the best interests of the province and the duties entrusted to him, but sub-clause (*b*) is important because what is being proposed to be done by the present Ministry in power is virtually to amend the Government of India Act by the backdoor.

Here sub-clause (*b*) lays down that the Governor can frame rules for securing the timely completion of financial business; in other words, when the Budget is introduced, the Governor fixes the time-limit: he has the right to impose the final guillotine as he considers necessary. Now, here certain specific powers have been given to the Governor with regard to financial matters. The Governor has certain special responsibilities and in order to enable him to discharge these special responsibilities the Governor is given the power to interfere with the ordinary conduct of business of the Provincial Assembly. The amendment which is now proposed virtually means that the word "financial" should be taken out for securing the timely completion of all business—all financial and legislative business. It is practically an addition of the words "and legislative" to be made in the Government of India Act increasing the powers of the Governor, and that is the object of the present rules. That I consider, Sir, for the reasons which I shall just now enunciate, to be *ultra vires* and illegal and cannot be done.

Now, Sir, if I may refer you to our Procedure Rules passed on the 12th July, 1939, by the Assembly under section 84(*1*), you will find that there

are two rules—rule 46 and rule 92—which refer to the question of closure and guillotine for the purpose of limiting the discussion. Rule 46 deals with closure motion. Rule 46 says that the Speaker shall put any motion "that the question be now put" unless it appears to him that such a request is an abuse of these rules or an infringement of the rights of reasonable debate or of the rights of the Opposition. In other words the House can at any time, subject to the Speaker being satisfied that the closure motion is a *bona fide* one, put an end to the debate. That right exists and it exists in the House: it can be exercised by the House even now with the assistance of the Speaker. Obviously the present Ministry is dissatisfied with rule 46: it is not prepared to leave the matter to the Speaker: it is not prepared to leave the matter to the House itself: it wants to transfer this power to the Executive—to the Governor; the Governor may be acting on the advice of the Ministers.

Now, Sir, if you turn to rule 92 you will find that with regard to resolutions there is a guillotine provision and that power vests entirely in you, in the Speaker. Rule 92 says that the Speaker may, if he thinks fit, allot a maximum limit of time which shall be available for the discussion of any resolution of a private member on any day allotted for the discussion of such resolutions, and it also indicates that as soon as such maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the resolution under discussion. There is a provision for guillotine, but here in this particular matter it is restricted only to resolutions and it is left entirely to the discretion of the Speaker, not even to the House. The House authorises the Speaker to exercise this important function. There is no other rule in our Rules governing either closure or guillotine. The points briefly I would like you to consider is this: in the first place I would say that this House has not the power by merely passing a resolution to extend the specific powers which have been given to the Governor under the Government of India Act with regard to the exercise of control over procedure and conduct of business other than what is specifically mentioned here. If you look at our own rules, you will find that the expression "Governor" occurs in nearly about twenty places. Barring three in all the other seventeen places the Governor acts in accordance with the provisions of the Government of India Act. In three other places where the expression "Governor" occurs it occurs in all matters which concern the introduction of business into the House; but if you examine these rules you will find that nowhere is there any rule which authorises the Governor or any other person to interfere in any way whatsoever with the proceedings of the House with regard to the procedure of conduct of its own business. Now, whether the powers which are given to the Governor are legal or not is a question which is not for us to discuss here and now. But obviously the powers which are proposed to be given to the Governor under these rules are powers which bring the Governor with regard to the discussion of matters which are entirely within the prerogative of the House itself.

Now, Sir, the proposed amendment gives the power to the Governor who is not a member of the Chamber, to control the proceedings of the House. My first point would therefore be that if there be an expressed enactment with regard to the powers given to the Governor, such expressed enactment shuts the doors to any further implication. We are a subordinate legislature; we derive our powers from and through the British Parliament. The Parliament gave certain powers to the Governor: it deliberately chose to restrict those powers in a particular sphere and it will be illegal to enlarge those powers by following the procedure which is proposed to be adopted in the present instance. Now, here, Sir, this matter is discussed, this principle is discussed in a language which I might just quote for your information from Broom's Legal Maxims, 10th edition, page 452: "A statute is to be construed, if possible, so as to give a sense and meaning to every part and the maxim *expressio unius est exclusio alterius* was never more

applicable than when applied to the interpretation of a statute. It sometimes happens that in a statute the language of which may fairly comprehend many different cases, some only of those cases are expressly mentioned by way of example merely and not as excluding others of a similar nature. So where the words used by the Legislature are general and the statute is only declaratory of the common law, it shall extend to other persons and things besides those actually named. But on the contrary where the expressions are restrictive and intended to exclude all things which are not enumerated, their scope cannot be increased." In the present instance there is a deliberate restriction imposed on the power of the Governor only to regulate the timely completion of financial business and there cannot be any proposal by means of a resolution to be passed by this subordinate legislature to extend this restricted power which has been given to the Governor.

Sir, my second point will be that here the power is being given by a Chamber to a stranger. Now the Governor has certain powers with regard to Bills. The Governor has to give his assent to the Bills. The Governor can stop the consideration of a particular Bill when that Bill is under discussion in the House, if he feels that it is likely to violate peace and order and tranquillity in the province. Even with regard to the Assembly, the Governor has to summon the Assembly. There are all these powers given to the Governor but so far as the rule-making power is concerned, so far as the decision on the procedure and the conduct of its business are concerned, there the Parliament has said "that is a matter which the House will decide". You may ask, Sir, well the House itself will be deciding that the Governor can adopt this rule of guillotine. The Governor can restrict the time-limit, so far as these Bills are concerned. It is a decision of the House. To that my answer is that this power cannot be delegated by the House to a stranger. You cannot delegate this power of regulating the conduct of your business by imposing this time-limit other than which is contemplated under section 84, sub-clause (2), to a stranger and as I said at the beginning of my remark, the Governor is a stranger so far as this Chamber is concerned It may be asked that after all it is the House which is given this power and that is what is making a thing which may look absurd and illegal, perfectly legal. But there, Sir, may I ask, supposing the Ministry takes it into its head to propose that this power which is proposed to be given to the Governor will be given to the President of the Provincial Muslim League, will that be a legal order? Can you delegate your power to a stranger and there, Sir, I would refer you to Halsbury's "Laws of England" 2nd edition, volume 25, page 526—"In considering the delegation of powers the distinction between powers amounting to absolute ownership, those implying personal discretion, and powers to do merely ministerial acts must be borne in mind. The rule is that a power involving the exercise of personal discretion by the donee cannot be delegated". A corporation can delegate to a select part of themselves but not to strangers. It is not possible for the House to say so; the House may like to be subservient to that extent that we shall not pass our laws; we shall pass a resolution and say that the Governor shall pass laws. We shall not allow discussions to continue according to the rules and privileges of the House but we shall allow the Governor to fix the time-limit for which discussions may take for a particular matter under question.

Now, Sir, look at it from the constitutional point of view. This legislature has been brought into creation for exercising certain specific functions. The legislature has to pass laws and the passing of laws means that it must discuss, it must vote. Sir, the Chamber has to discuss, the Chamber has to vote and by a majority of votes has to come to a decision in respect of other matters. That is already provided under the Government of India Act itself. Now it is, to say the least, highly unreasonable that in respect of Bills, even before they are introduced into the Chamber, a stranger is to decide the length of time for which a discussion will take place on a particular Bill. The amendments are not moved; amendments have not been proposed; the

importance of the matter has not been realised but arbitrarily a time-limit is imposed by the Governor, may be acting on the advice of the Executive so as to interfere with the performance of the legitimate functions of the members of this House. Sir, if you look at similar rules of procedure in any other part of the civilised world—of course I do not know what is done in countries which are not under the control of democratic form of government, what Mr. Hitler does or what other countries do I do not know—but if you look at any democratic constitution you will find that wherever this power has been taken, it has been taken by the House itself. Nothing is higher than the House; the House can decide anything that it likes. But if occasions have arisen to apply extreme forms of guillotine, that power has been taken by the House and never exercised by the Executive by passing its order from behind the scene. These are the three points. I shall not deal with the merits of the proposal now.

Mr. SPEAKER: You cannot do that.

Dr. SYAMAPRASAD MOOKERJEE: I do not intend to do that but I shall only request you that you will please give this matter your careful consideration. You can ask the Advocate-General to come and address the Chamber. That is provided for in the Act itself. The Advocate-General has the right to do so. You can ask that a reference be made to the Federal Court for obtaining an interpretation or you may yourself give the ruling after considering different aspects of the matter. But we regard this as a serious encroachment on the rights of the House and it may be that the present party now in power considers it to be in its own interest to pass such a resolution restricting the liberty of the House but it will be the height of folly——

Mr. SPEAKER: It is not a point of order.

Dr. SYAMAPRASAD MOOKERJEE: It is a point of order in this sense how it affects the privileges of this House. It does affect the privileges of the members of this House and I would request you to give this matter your best consideration and then give your ruling.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir,—

Mr. SPEAKER: I must make it absolutely clear that this is a point of order and that there cannot be any discussion. All that can be done is for my assistance and I can hear one or two but there cannot be any general discussion on a point of order. That must be made absolutely clear. If there is any desire on the part of any member of this House to speak on this subject, it should be only from the point of view that he wants to assist the Speaker in coming to a right decision and nothing more. But I do not think I shall be in a position to allow each and every member. If anybody on the side of the Opposition wants to speak I would allow one more.

Dr. NALINAKSHA SANYAL: After my Deputy Leader I shall also speak.

Mr. SPEAKER: It must be decided amongst the Opposition.

Dr. NALINAKSHA SANYAL: If you do not find any new points raised, you are at liberty to stop me.

Mr. SPEAKER: As regards that I would just tell you this. If after hearing I find that I require more assistance or if I find that any member is likely to give me more assistance, I will be prepared to hear him in my chamber and to get reference from him so that other important business may be done in the House. That will be the best course, but I do not think I shall be justified in allowing the time of the House to be taken in discussion on a point of order.

Dr. NALINAKSHA SANYAL: Unless you hear the members concerned, I am afraid, it may not be possible for you to find out whether they are bringing any new point of order or treading the old grounds.

Mr. SPEAKER: I have already said that I shall be ever grateful to any member of this House if he be pleased to give me assistance in a matter of this description in my chamber.

Dr. NALINAKSHA SANYAL: I submit, Sir, that there is a provision for raising points of order in the House not merely with a view to assist the Speaker to come to a decision but also to enlighten the members. It is a valued right of the members to acquaint members like Mr. Goswami, a chartered libertine——.

Mr. SPEAKER: Dr. Sanyal, I am really very sorry that there are going to be recriminations. I am not asking you alone but I am requesting all concerned to keep their temper on a matter like this. It is purely a point of order, and there is nothing to be heated at all on a question like this. Sir Nazimuddin, I think the best course would be if one member from your side will give me some assistance and reply to what Dr. Mookerjee has said.

Mr. SASANKA SEKHAR SANYAL: On a point of order arising out of the observations that you have made. You have proposed that if any assistance is available, you will be glad to receive such assistance in your chamber. Sir, we have absolutely no objection in doing so, but, Sir, probably you are assuming that persons who have come prepared for making their submissions on this point will do so in a vexatious spirit. I hope you will not do that.

Mr. SPEAKER: Certainly not.

Mr. SASANKA SEKHAR SANYAL: Sir, here we are discharging our functions at a time and in connection with a matter which affects the members of this House, and many members here feel very strongly with regard to the maintainability of the motion which is coming. It would be a novel procedure if you give some members the right to assist you in your chamber. Why should that right be denied in the open Chamber? Even in that case if you desire to invite discussions, may I request you to fix a date and time when all members who are willing to give assistance will do so in your chamber for such length of time as it will be necessary for us to discharge our duties. We are prepared to go even now to your chamber and sit up whole night in order to discuss this matter, because we have got many valuable suggestions to make.

Mr. SPEAKER: Mr. Sanyal, I know you are a lawyer, and there are many other lawyers in this House. This is a question of law—a point of order. Things can be argued for days, and probably for months together, but still we have got to proceed in a businesslike way. That is all that I desire to say. I have never said that any of you have got any vexatious spirit. Why do you bring in that question at all?

Mr. SASANKA SEKHAR SANYAL: As soon as one member finishes, there are others who are ready to follow him. There may be many new points. Why do you assume that we shall repeat the same argument?

Mr. SPEAKER: If you insist like this, I can only invite your attention to the rules. The rules are specific.

Mr. SASANKA SEKHAR SANYAL: But the rules are in danger; and we want to protect the rules and the Speaker.

Mr. SPEAKER: Mr. Sanyal, I cannot exchange words and expressions like this; that is not proper.

Dr. NALINAKSHA SANYAL: Which rule you are referring to?

Mr. SPEAKER: The rule regarding point of order.

Mr. SASANKA SEKHAR SANYAL: If Government is going to reply now, there are new points to which Government will have to reply again.

Mr. FAZLUR RAHMAN: Sir, the sum and substance of the argument of Dr. Mookerjee is that this is *ultra vires*, because this House or rather this Chamber has not the right to delegate its powers to a stranger or to anybody. There are two things, firstly, this Chamber cannot delegate its powers to a stranger, and secondly, it cannot delegate its powers to anybody.

Dr. NALINAKSHA SANYAL: You cannot amend the Government of India Act.

Mr. SPEAKER: Order, Order. Just hear him.

Mr. FAZLUR RAHMAN: I know that if the power is delegated to the Governor, then it will have the effect of modifying the Government of India Act which this Chamber has not the authority to do. Let us first take the question as to whether it is modifying in any way the Government of India Act. Dr. Mookerjee has referred to section 84 of the Government of India Act. If you read this section you will find that it says that "(1) A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business," and then in the proviso it says that "Provided that, as regards either a Legislative Assembly or a Legislative Council, the Governor shall in his discretion, after consultation with the Speaker or the President, as the case may be, make rules for securing the timely completion of financial business". Where is the restriction? Under the Government of India Act the Governor exercising his discretion can regulate the procedure so as to secure the timely completion of financial business. Why the House in the exercise of those powers which are vested in it will not be able to give that power to the Governor? I will come to the question where the Governor exercises his own discretion or individual judgment, etc., later on. The point now is whether the Governor is a stranger or not. The Governor exercising his discretion has been given the power under the Government of India Act to so regulate the procedure of this House for securing the timely completion of financial business. The Act has never restricted the powers of this House which are vested by this very Act to delegate its own power to any Governor exercising his own discretion. Though that has not been done in this particular case, but even if in extreme cases the power is delegated to a Governor exercising his discretion, that also has not been restricted in any way by any provision of the Government of India Act. Therefore, the Legislature can exercise its absolute power— (Uproar)

Mr. SPEAKER: Order please. This is a very serious point of law. Let us hear each other, so that we can come to a sound decision. I hope there will be no *golmal*.

Mr. FAZLUR RAHMAN: Sir, the Opposition expresses its concern for the privileges and rights of the House.

Mr. SPEAKER: No question of privilege arises.

Mr. FAZLUR RAHMAN: They, Sir, of all persons put forward an interpretation of the law which is going to restrict the powers of this House. The House is vested with certain powers and they in order to meet a particular object want to restrict those powers vested in the House. Therefore, there is no force in their argument, that the powers that are vested in this House cannot be delegated to the Governor.

Dr. NALINAKSHA SANYAL: Will he take the powers that you are giving him?

Mr. SPEAKER: Order, order. Please don't interrupt him.

Mr. FAZLUR RAHMAN: Sir, under those very rules which have been referred to by Dr. Syamaprasad Mookerjee powers have been delegated by this very Chamber to the Governor. I would refer you to rule 20 of the Assembly Procedure Rules where it has been said that "at times when Government business has precedence the Governor may arrange that business in such order as he thinks fit". Here, it is clear that the Governor is laying down the procedure in respect of the conduct of the business of the House.

Dr. NALINAKSHA SANYAL: Government business!

Mr. FAZLUR RAHMAN: Government business or private business whatever it may be. According to the submission of Dr. Mookerjee that is a matter for the House to decide. It is not financial business alone which the proviso relates to but in any matter of Government business, other than financial business, Governor has the right to regulate. There the word "Governor" is used.

Dr. NALINAKSHA SANYAL: He can arrange the order of business?

Mr. FAZLUR RAHMAN: He can arrange the order of the business of the House. Arranging the order of the business of the House is certainly laying down the procedure of the House. It is rather strange to hear Dr. Sanyal questioning this. Their main point is this and it has been very much emphasised on the floor of the House that the Governor is a "stranger" and as such why should we delegate these powers to the stranger. To that my reply is that the Governor here is not a stranger. The Governor, for all practical purposes, means the Ministry and the Ministry is not a stranger to the Chamber and that is the reason why power is delegated there. (Interruption.)

Sir, a general question has been raised that this House cannot delegate its power to anybody because a distinction is made between certain fundamental rights of the House and the Ministerial duties. There you will find that many of the powers have been delegated to you by the Chamber and you, Sir, as Speaker, are exercising those powers. Thus it will be seen that fundamental powers have been delegated to the Speaker. That shows clearly that the fundamental powers to be exercised by the House can be delegated to the Speaker or to the Governor. The House has the right to delegate those powers. There is no doubt about that. (A voice: Only to a member of the House.) Therefore, from all points of view, Sir, you can see that this House has every right to regulate its procedure in any manner it likes, subject only to the restrictions imposed on its powers by the Government of India Act. So my contention is that this is neither *ultra vires* nor has any case been made out that the motion is not in order.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I want to add a few words in support of the point of order raised by Dr. Syamaprasad Mookerjee. I shall not traverse the ground already covered by Dr. Mookerjee but will only refer to section 84 of the Government of India Act under which the amendment is sought to be made. There you will find, Sir, that the Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act (I would draw your pointed attention to the words "subject to the provisions of this Act") their procedure and the conduct of their business. We cannot make rules which are repugnant to the provisions of this Act. That is what is meant by that rule. We can only make rules subject to the provisions of that Act. It has been stated that powers of the Governor have been defined under the Government of India Act. If you look at sections 73 to 76 where the procedure regarding

Bills has been made clear you will find that the power of the Governor has been defined in those sections. I would invite your attention to section 74 and particularly to section 75 where the position has been made very clear. Then again, power of the Governor in regard to legislation has been defined in Chapter IV of the Government of India Act, which deals with legislative power of the Governor. Sections 88, 89 and 90 deal with this matter. Section 90 deals with the power of the Governor in certain circumstances to enact Acts. He can enact forthwith as a Governor's Act a Bill containing such provisions as he considers necessary, or attach to his message a draft of the Bill which he considers necessary. Then we consider sub-section (2) where it is stated "Where the Governor takes such action as is mentioned in paragraph (*b*) of the preceding sub-section he may, at any time, after the expiration of one month enact as a Governor's Act the Bill proposed by him. But sub-section (2) has given the power that he may at any time after the expiration of one month, enact, as a Governor's Act, the Bill proposed by him to the Chamber or Chambers. So if you look to sections 73 to 77 and if you look to Chapter IV of the Government of India Act where the Governor's power has been defined, you will find that the Governor has not got the power to put a termination to the discussion of a Bill. He has got only the power to put a termination for the purpose of securing the timely completion of financial business and this power is given in the Act itself. So we cannot extend the power of the Governor by an Act of this Legislature. This Legislature, as you will remember, is only a Legislative Assembly. It has not got the power of making a constitution. It is not a constituent assembly. So neither can we extend the power of the Governor nor can we curtail his power. We can neither extend the power of this House nor can we curtail its power. This House has got the power to enact legislative business within its own sphere and this amendment which amounts to a curtailment of the power of this House is therefore *ultra vires*.

Secondly, Sir, I should like to draw your attention to one important fact. A Chamber of a Provincial Legislature may make rules, subject to the provisions of the Government of India Act, regulating the procedure and conduct of their business You are aware of the difference between the procedure rules and the substantive law. Here we are giving a substantive power to the Governor to put a time-limit upon the discussion in the matter of legislation. We can make rules relating to procedure but we cannot make rules relating to extending of power. This can only be done by an amendment of the Government of India Act and that can only be done by the British Parliament. Mr. Fazlur Rahman has said that we are anxious to extend our power but that is not the fact. He is not anxious to extend our power by this amendment but he is anxious to curtail the power of this House by extending the power of the Governor which, however, he cannot do.

If you look at the Government of India Act from the beginning to the end you will find that it is definitely stated that in matters financial the powers of the Governor are defined and nowhere else the Governor has been given the power to put a time-limit to legislative discussions. This amendment is not really an amendment relating to procedure but it is a substantive amendment to give power to the Governor which can only be done by the British Parliament by an amendment of the Government of India Act and not by this subordinate legislature.

Mr. SASANKA SEKHAR SANYAL: Sir, I gave you an assurance that if I want to make some submission on the point of order I will try to avoid any repetition of what has already been placed before the House through Dr. Syamaprasad Mookerjee and my friend, Mr. Dhirendra Nath Datta. Sir, to quote yourself, the matter is certainly of momentous importance and that the discussion of this question of order should be approached in a spirit of seriousness consistently not only with the magnitude of its importance in the present case but also consistently with the far-reaching effects that it is likely to have upon the democratic Government of this country. Before

I make my submission I would ask you to guard yourself against running into such decisions which will not only be erroneous but which will also strike at the very root of governmental discussion which is the soul and substance of all known democracy. I will ask you to refer to the wordings of——.

Mr. SPEAKER: Wording of what?

Mr. SASANKA SEKHAR SANYAL: .....wordings of section 84 of the Government of India Act. Certain analogies by way of parallelisms and contradictions have been pointed out to you. I am not going to repeat them but I would invite your attention and the attention of the House to the four corners of the section itself. My contention is that the proviso not only circumscribes the privilege of the Governor in the matter of making rules so far as the subjects and heads are concerned, but also lays down a definite manner and method by which such rule-making power is to be exercised. Now the Governor, if he has to frame any rule, has to frame it under section 84. There is no other provision and therefore he will have to comply with all the rigid requirements of this section which is given in the proviso. The first thing is that the manner is also indicated there. The Governor can if at all make rules after fulfilling the condition precedent, namely, consultation with the Speaker or the President. If the Governor has to frame any rule, he must answer that condition precedent, namely, previous consultation with the Speaker or the President. For the time being, Sir, I assume, in admitting the contention of the other side, that the substantive portion of the section authorises the House to frame rules and the House in framing the rules by abdicating the power in favour of somebody else agrees that it can be done, though it cannot be done. I submit that is not the only reason. Because the substantive part of the section gives the House certain powers, those powers according to their contention may be delegated to an extraneous body. Even if it be so, the power has to be exercised, if at all, in the manner and the method laid down within the four corners of the section itself. That is to say, whenever the Governor has to do anything, just as he did when he framed the rules relating to financial business at the time of your predecessor in office, Sir Azizul Haque, probably he was Mr. Azizul Haque at that time, I do not know, the Governor had to frame the rules—those rules which are now within our scope, namely, that there are certain reserved subjects in respect of which questions cannot be put without the previous sanction of the Governor and there are certain subjects which cannot be discussed or moved in the form of a resolution or motion except with the previous consent of the Governor, and that proceedings in conection with the Budget within the meaning of clause (*b*) of the proviso have also to be carried on in the way indicated by the Governor, but all these rights of the Governor were exercised and had to be exercised after consultation with the Speaker. So the consultation with the Speaker is the condition precedent for whatever rule the Governor will be in a position to frame.

Mr. SPEAKER: That goes without saying That is admitted.

Mr. SASANKA SEKHAR SANYAL: If that is so, Sir, then before this rule can be discussed in this House, even if it is conceded that otherwise the House is competent to deliver the goods in favour of an extraneous body, I submit this motion cannot be introduced in the House before this condition has been fulfilled that the Governor has consulted you as Speaker of this House.

Then there is the proviso: Provided that as regards either a Legislative Assembly or a Legislative Council the Governor shall in his discretion, after consultation with the Speaker or the President as the case may be, make rules.

Mr. SPEAKER: The Governor is not making these rules.

Mr. SASANKA SEKHAR SANYAL: Quite true. Although under the substantive section the power is given to the Governor, still the Governor will have to frame his rules within the meaning of section 84. The Governor either functions within the limitations of section 84 or does not function at all. The section is both enabling and disabling. If the substantive portion of the section enables the House to hand over the power to the Governor, the Governor before he can exercise these rights must function within the limitations of the proviso.

Mr. SPEAKER: Mr. Sanyal, if I have understood you aright your contention is this, that it is not the House that can make rules and thereby give the Governor the power. But the Governor can make rules only in consultation with the Speaker as provided in the proviso

Mr. SASANKA SEKHAR SANYAL: How can the House hand over this power to the Governor? The Governor will have to adopt this right.

Mr. SPEAKER: You say the Governor cannot accept it.

Mr. SASANKA SEKHAR SANYAL: Governor can adopt it by fulfilling the previous condition, namely, consultation with the Speaker and the President Therefore my new point is that so far as the functioning or the exercising of any right within the meaning of this section is concerned, the Governor cannot proceed and nothing can be proposed to be given to the Governor before that condition precedent is fulfilled

Sir, I am trying to make explicit in my own way those points which were covered by Dr Mookerjee As I was just submitting, a provision of a section not only gives but also denies There may be sections which only give, there may be sections which only deny; but here is one of those composite sections

Mr. SPEAKER: You mean to say sections authorising and sections restricting.

Mr. SASANKA SEKHAR SANYAL: It not only gives a right, it also denies a right

Mr. SPEAKER: In other words your contention is section 84 is restrictive in certain respects.

Mr. SASANKA SEKHAR SANYAL: It enables the House to frame its rules, at the same time it denies the Governor the right to make rules except in so far as such right is specifically given by the clauses under the proviso, by the very specification of the heads over which the Governor can be allowed to travel in his rule making power Therefore the obvious interpretation is that the Governor gets only those powers which are specifically given by specification under the proviso and the rest of the powers are denied to him

Sir, I do not propose to take any more time because I gave you the assurance that I will try to throw new light in my own way. To sum up, Sir, my position is this, what the statute denies to the Governor cannot be given by the House, not only by majority but even by unanimity of its votes, and if such power is proposed to be given the Governor cannot adopt it because of the limitations imposed upon him under the proviso where the method and manner of adoption are specifically laid down in a somewhat circumscribed manner

So, Sir, these are the two points of view. There is a question of large powers of the members of the House being restricted by handing over the estate in the hands of a receiver that is not contemplated by the law. In the second place the proposed guardian *ad litem* of this supposed to be minor legislature cannot also function because he cannot adopt under the law the rights which are proposed to be given.

Mr. A. F. STARK: Mr. Speaker, Sir, I also will promise to be brief and will try to refer to new points. I think the point of order has been very clearly and comprehensively put before you by my honourable friend Dr. Mookerjee and others, but there are one or two sections of the Government of India Act to which reference has not been made and which I think should be taken into consideration. I would refer first to section 59 of the Government of India Act sub-section (1)—All executive action of the Government of a Province shall be expressed to be taken in the name of the Governor. Then, Sir, there is section 49(1) which says, "The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor". Then there is section 50(1) which says, "There shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion."

Well, Sir, in our rules, as has been pointed out, the Governor's name is used in a number of places. Rule 20 is perhaps the clearest example wherein it says as regards Government business the Governor may arrange that business in such order as he thinks fit. That means the Governor acting on the advice of his Ministers arranges the business of the House. Reference to the Governor unless it is in connection with business for which he is required to exercise his discretion or his individual judgment means reference to the Governor acting on the advice of his Ministers. In other words the term "Governor" means Government, and the point which I wish to submit, Sir, is this, that the House can only authorise the Government to fix a time-table in the name of the Governor. You cannot expressly pass a new rule authorising the Government to fix a time-table; you have got to authorise the Governor to fix that time-table. In other words what is proposed to be done is simply to authorise the Government of Bengal to fix a time-table for legislation.

Now, Sir, I do not think it can seriously be contended that this House cannot authorise the Government to fix a time-table. There may be a good deal of argument on the merits but I say that it is admissible for this House to authorise the Government of Bengal to fix a time-table.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I shall seek to throw some new light on the point just now under discussion and I will also try to invite your attention to a further point of order in connection with the motion moved by the Hon'ble Sir Nazimuddin.

Mr. SPEAKER: If it is not involved you need not say that now.

Dr. NALINAKSHA SANYAL: All right, Sir; I will take another opportunity. So far as the point raised by Dr. Syamaprasad Mookerjee is concerned, I have to invite your attention and the attention of the House to two further matters which appear to me to be very relevant. In the first place we have to examine what may happen in case there is no such authority given to have legislation passed quickly and within a certain limited time. When the Government of India Act was enacted, surely this matter received careful examination by Parliament, and Parliament had long experience of Government by parties and also I presume had the experience of their own House regarding difficulties in the way of passing quick legislation. And yet, Sir, deliberately the Parliament had not given any extraordinary powers to the executive or to the Governor where the Governor functions as the executive head or acts in his discretion without consultation with or advice of his Ministers, and I submit, Sir, that this has been done deliberately and with a purpose, and in order to avoid any difficulty that might arise which may jeopardise good government of this province Chapter IV has been devised. There are practically two sections, namely, sections 88 and 89 which provide for extraordinary legislation and Governor's powers to issue ordinances under certain, circumstances. Section 88 gives the Governor power to enact at any time certain ordinances and the field that

he can cover through the promulgation of such ordinances not only covers his own special responsibility but also matters coming under individual judgment and also under Ministerial responsibility. This plenary power to enact ordinances has been in my humble opinion provided to prevent any serious thing happening in the country as a result of delay in passing any useful piece of legislation due to the various stages through which Bills have to pass: and before an Act is enacted, and because considerations of various characters have got to be gone through. Section 88 gives this power to promulgate ordinances during recess of Legislature and runs thus: "If at any time when the Legislature of a Province is not in session the Governor"—not in his discretion but here the simple term "Governor" is used—"is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require. . ..". So the Governor can thus cover all fields of the legislation through ordinances.

With regard to certain specific subjects, the Governor has got further powers to promulgate ordinances which are governed by section 89. Here it is stated: "If at any time the Governor of a Province is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion, or to exercise his individual judgment, he may promulgate such ordinances .. " and so on.

Mr. SPEAKER: Yes, I have noted your point.

Dr. NALINAKSHA SANYAL: My submission is that when you examine the point of order submitted by Dr. Mookerjee you have to remember also probably the maxim as to what mischief may happen in case ——

Mr. SPEAKER: There is delay.

Dr. NALINAKSHA SANYAL: Yes, there is delay.

Mr. SPEAKER: I have understood your point.

Dr. NALINAKSHA SANYAL: In case something dangerous happens in the whole country or province without such powers the position becomes different. You will have to examine this point in coming to your decision. I submit, Sir, that the Government of India Act has ample provision to cover such emergencies and there need not be the slightest difficulty in the good government of this province even if the House takes a very long time to come to decisions regarding certain Bills.

With regard to another matter, Sir, I have to invite your attention. This is regarding the rules framed already by the Governor under powers vested in him under the proviso to section 84(*1*). It will be noticed, Sir, that in those rules there are certain rules which cover matters coming under the "Governor's discretion" only. There are others which come under the sphere of "Governor's individual judgment", and I submit that in my humble opinion—and probably I will not be giving out any secret when I say that I had submitted this to you in your chamber also—the Governor in these rules has already exceeded his powers and has traversed grounds where he was not under the Government of India Act required to make special rules.

Now, Sir, these rules were contended by us and I believe that the Hon'ble Sir Nazimuddin, whose fairness at least and liking for truth I admire and respect, will admit in this House that while these rules were sent and being examined by the previous rule making committee we did point out that some of these rules were infringing——

Mr. SPEAKER: They were *ultra vires* of the Governor.

Dr. NALINAKSHA SANYAL: Yes *ultra vires* of the Governor. Of course Mr. Baker is here. He was the draftsman on behalf of the Governor. In connection with our objections we were pointed out then the latter part of the proviso to sub-section (*1*) of section 84 where it is stated: "if and in so far as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail."

So, although we pointed out that in regard to the stages of the Budget all that the Governor was concerned could be with regard to the last date by which we must complete our Budget discussion: that is to say, the guillotine must come on a particular day when the financial business of the Budget must be concluded——

Mr. SPEAKER: Not the period, but the last date.

Dr. NALINAKSHA SANYAL: Yes, Sir. There, the Governor according to our submission could only provide for the last day and not the intermediate stages and he has exceeded his powers not only in regard to the final stages of the Budget, but also in suggesting the number of maximum days allotted for Budget discussion. The House may in my opinion go beyond the 17 days provided the last day by which the Governor intends to have the Budget passed was not exceeded or was not gone beyond. These and similar other matters which are covered by the Governor's Rules were objected to by us and if you look up the proceedings of this House and also if members who attended the——

Mr. SPEAKER: Do you mean to say that the Governor did not possess that power and that they are going to give that power? Is that your point?

Dr. NALINAKSHA SANYAL: My friend Mr Fazlur Rahman now quotes some of the existing rules to show that we have already acquiesced in some of the rules where the Governor has already been given some powers.

Mr. SPEAKER: That goes without saying. You need not dilate on that.

Dr. NALINAKSHA SANYAL: I want to prevent that mischief. Now, Sir, with regard to this point of order, my submission therefore has been two-fold The Governor's powers have been defined and limited. These powers could not be exceeded and no mischief will be done if special powers of the character are not given——

Mr. SPEAKER: That is not a point of order That is a question of desirability. I think I have understood you. Your point is that the rule making powers of the House are subject to the provisions of the Act and the provisions of the Act including the proviso do not allow it

Dr. NALINAKSHA SANYAL: The provisions of the Act have under contemplation certain stages when no mischief can be really done even if such rules are not provided for.

Mr. SPEAKER: I think you have finished If you have any other point, you may go on.

Dr. NALINAKSHA SANYAL: I have got another point to which I want to draw your attention Shall I do it today or tomorrow?

Mr. SPEAKER: Today.

Dr. NALINAKSHA SANYAL: I am afraid this point is a new point which has not so far been touched by previous speakers. You will notice, Sir, that the rules proposed cover two distinct grounds. The first rule relates to amendments following rule 47 and it relates to time-limit for disposal of motions in connection with Bills. This matter has been sufficiently argued. The second set of amendments proposed relates to rule 54 of the Assembly Procedure Rules and these amendments seek to introduce certain new matters which I submit are *ultra vires* of the

Government of India Act and also the provisions of the rules as we have now and some of the provisions that are based on accepted parliamentary conventions, both here and abroad.

The history of this rule, as you may remember, Sir, can be traced to certain discussions and some steps that were taken in connection with the Secondary Education Bill which the Government of the day sought to pursue in spite of strong legal difficulties in that regard. You will notice that on the 28th January, 1944, certain amendments to our present rules were proposed. These amendments appear similar to the amendments now before us under sub-clause (2) of the present proposed amendment. The first sub-section seeks to take out the words "if he is a member of the Assembly" from rule 54(2) and here I have to invite your attention to section 64 of the Government of India Act. Section 64 of the Government of India Act provides for the rights of Ministers and Advocate-General as respects Chambers and it is stated therein that "every Minister and the Advocate-General shall have the right to speak in and otherwise take part in the proceedings of the Legislative Assembly of the province or in the case of a province having a Legislative Council both Chambers and to speak in and otherwise take part in the proceedings of any committee of the Legislature of which he may be named a member but shall not by virtue of this section be entitled to vote." In this proposed sub-clause 2, you will notice that the first part that is, from (*a*) to (*d*) refers to a Minister who may not be a member of this House and sub-clause 3 refers not only to such Minister as also to certain Parliamentary Secretaries who may not also be members of this House, but also to Departmental Secretaries or experts who obviously cannot be members of either House. It is provided or it is sought to be provided in the first set of rules that a member of the Council of Ministers, be he a member of the Assembly or of the Council, if he is in charge of a particular department to which the Bill relates, must automatically and *ipso facto* by virtue of his office be entitled to become Chairman of the Select Committee on a Bill relating to his department. That is the object of the first sub-clause (2) of sub-section (*a*). I submit, Sir, that this infringes section 64 of the Government of India Act. Section 64 of the Government of India Act specifically mentions the particular duties that these members of the Council of Ministers, who are not also members of the Legislative Assembly could perform. They could not be full-fledged members. They could only take part in the proceedings.

Mr. SPEAKER: I do not quite follow you. Is it your point that because these people are not members of either House, they cannot be present at the meeting They cannot be even invited

Dr. NALINAKSHA SANYAL: No, Sir, not to act in the manner proposed. First I am confining myself to the Minister. I will deal with the second point after this. So far as the Minister is concerned, he has only certain defined rights. It is stated in the Government of India Act, section 64, what those rights are.

Mr. SPEAKER: Do you mean to say that he cannot take part in the proceedings of the Committee?

Dr. NALINAKSHA SANYAL: He can speak and otherwise take part in the proceedings, but cannot preside. As a matter of fact in the Assembly itself, the Speaker is there. Such members of the Council of Ministers have a right to appear and to take part in the proceedings but they cannot vote, nor can they preside.

Mr. SPEAKER: Your point is that the Minister cannot be a Chairman of the Committee. That is *ultra vires* of the section. Then say so plainly.

Dr. NALINAKSHA SANYAL: That is what I am coming to and therefore the attempt to delete the words "if he is a member of the Assembly" is *ultra vires*.

Mr. SPEAKER: You say that the amendment of the rule is *ultra vires*?

Dr. NALINAKSHA SANYAL: Yes, Sir, the provision that is being sought now is *ultra vires*.

Mr. SPEAKER: I have understood you, Dr. Sanyal. You could have said that long ago. You say that a member of the other House cannot be the Chairman and consequently that part which is proposed to be deleted will make the rule *ultra vires*.

Dr. NALINAKSHA SANYAL: His rights, Sir, are specifically mentioned. He cannot go beyond those rights. He has a definite limitation regarding taking part in the voting, that is to say, he is not entitled to vote. And in order to obviate that difficulty, a proviso is sought to be added here to allow a system of drawing of lots in such cases where there is an equality of votes in the Select Committee, where the presiding officer is a member of the Council of Ministers but not a member of the Assembly. I submit, that is a fraud on legislation.

Mr. SPEAKER: That is a different thing altogether. I cannot agree with you. Let us pass on. I have understood your point.

Dr. NALINAKSHA SANYAL: Sir, the term "fraud on the legislation" is accepted as parliamentary I do not know why people get upset. This proviso is a fraud on the Act itself.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I protest against it

Mr. SPEAKER: Dr. Sanyal, that is another matter Give up that thing: that is finished.

Dr. NALINAKSHA SANYAL: The second sub-rule relates to rule 55 which, as you will notice, covers persons other than Ministers and even members of the two Houses. I submit, Sir, that a Select Committee is a committee of this House and as has been defined not only here, but as the convention has grown everywhere——

Mr. SPEAKER: Dr. Sanyal, I would draw your attention to one matter. We are not now considering the merits: we are now considering the question of the point of order. So do not bring in the question of merits at all.

Dr. NALINAKSHA SANYAL: I am not bringing in the question of merits at all. So far as the Select Committee is concerned, the term "Select Committee" originally was derived from the selection that was exercised by the Speaker and then the practice grew up for the House to assist the Speaker in coming to his selection. Then came the second stage of having——

Mr. SPEAKER: I will hear all your discourse when we will discuss the merits.

Mr. SASANKA SEKHAR SANYAL: We are confident, Sir, that we will not have to proceed to the question of merits at all. (Laughter.)

Mr. SPEAKER: Dr. Sanyal, is it your point that at the Select Committee meeting none but the members can be present? Is it your point that if by a rule, Government want to bring some body, that is *ultra vires*? Let me have your point first and then you can elaborate. You are quite intelligent to realise that.

Dr. NALINAKSHA SANYAL: I am not so intelligent as you are, Sir, and so I take some time. Kindly allow me to go on in my own way. (Laughter.)

Mr. SPEAKER: Dr. Sanyal, you are too intelligent for me. (Laughter.)

Mr. SASANKA SEKHAR SANYAL: Sir, when you say that a member is too intelligent for you, that is a reflection upon the Chair. (Laughter.)

Mr. SPEAKER: Certainly not. The Chair is different. When I say "I", it is not the Chair, it is a different person.

Dr. Sanyal, when you raise a point of order, you have got to state the point of order. I want to know from you what is your point of order with regard to the proposed amendments to rule 55, and after you have stated that, then only you can elaborate. If you do not state that, it is no use elaborating it.

Dr. NALINAKSHA SANYAL: I shall obey you as you like, Sir. The point here is this: Rule 55 definitely wants Select Committee proceedings to be confidential and one method of maintaining that confidence is to confine the discussion and deliberation amongst members of the legislature alone.

Mr. SPEAKER: Dr Sanyal, you are again confusing. You are taking the rule as it is The rule is there and it can be amended.

Mr. DHIRENDRA NATH DATTA: Sir, the proviso is repugnant to the main section itself So it is *ultra vires*.

Dr. NALINAKSHA SANYAL: The proviso that is sought does not take away rule 55 as it is. It only gives certain exceptional powers to certain specified categories of persons. The idea of keeping the proceedings confidential——

Mr. SPEAKER: I am sorry, Dr. Sanyal, I do not think that is a point of order.

Dr. NALINAKSHA SANYAL: Let me explain, Sir. Here it is stated that apart from the members mentioned by name there will be certain other members permitted to be present. For what purpose? For the purpose of rendering to such Minister or to the Committee generally any assistance that may be necessary I shall not enter into the merits which shall be examined later on, but I submit that as in the House there is no possibility of any departmental Secretary to assist the Minister inside the House although some Ministers cannot do without their help——

Mr. SPEAKER: Dr Sanyal, I am sorry, I cannot allow that. That is no point of order.

Dr. NALINAKSHA SANYAL: Sir, I want to invite your attention to a parallel case.

Mr. SPEAKER: That is no point of order.

Dr. NALINAKSHA SANYAL: Sir, I come to the second thing with regard to this point. We have a provision for inviting experts under rule 54(*6*).

Mr. SPEAKER: Dr Sanyal, I have repeatedly asked you to raise your point of order first, and it is for you to state the point of order as briefly as possible. Will you kindly do that? The rule is clear.

Dr. NALINAKSHA SANYAL: Which rule you mean?

Mr. SPEAKER: Rule 13. I am not going to enter into discussion. If you have got any point of order, you kindly state.

Dr. NALINAKSHA SANYAL: Rule 54(*6*) and rule 55 as sought to be amended seek to cover——

Mr. SPEAKER: No, no, that is no point of order. If you cannot put your point of order in a nutshell, I cannot allow it.

Dr. NALINAKSHA SANYAL: My brain cannot work in a nutshell as you would like. Nutshell is too small a thing for my humble self.

Mr. SPEAKER: If you cannot put your point of order, how can I allow you to go on for an unlimited time?

Dr. NALINAKSHA SANYAL: But if you do not give me time, how can I put it?

Mr. SPEAKER: I have given you enough time.

Dr. NALINAKSHA SANYAL: Let me have five minutes more, Sir. Rule 54(6) which provides for hearing experts and hearing expert evidence is in conflict with——

Mr. SPEAKER: That has nothing to do with the point of order. I cannot allow you to proceed further. Yes, Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Mr. Stark has very clearly pointed out the difference between the Government and the Governor. The main difficulty with which most of the members on the opposite side have been confronted is that they have not been able to differentiate between Governor acting in his discretion and the Governor acting on advice. (Dr. NALINAKSHA SANYAL: It is difficult for us to differentiate as it is now.) The main contention of Dr Syamaprasad Mookerjee has been that by allowing the Governor to act in his discretion you are increasing the powers of the Governor which have not been provided in the Act. If in the rules, we do provide that in this case the Governor would act in his discretion, then I believe the contention of Dr. Syamaprasad Mookerjee would be correct But the rules which I have proposed or rather the amendments which I have proposed clearly lay down that the Governor is not acting either in his discretion or in his individual judgment (Dr NALINAKSHA SANYAL That makes it more illegal). Sir, I have referred to the very clear differentiation that has been made in section 84 of the Government of India Act. There it has been laid down that the Governor will have the right to make some rules in his discretion and you will find, Sir, that in our rules there is a clear distinction between the two types of rules where the Governor acts in his discretion and the rules where the Governor has been mentioned and where it is really meant Government. For example, in rule 2, Sir, you will find it is clearly laid down "whenever it appears to the Governor acting in his discretion that the Assembly should be summoned". Here the Governor is acting in his discretion In the rules also it has been provided that the Governor is acting in his discretion and there it is meant Governor, that is Mr. Casey; Whereas if you read rule 4, you will find that no such expression has been used as "Governor in his discretion" and there it is meant Government, that is the Council of Ministers. (Rai HARENDRA NATH CHAUDHURI: Governor here is the Council of Ministers), Council of Ministers' advice is accepted by the Governor. (Dr. SYAMAPRASAD MOOKERJEE: That is convention). It is provided in the Act. (Cries of "no, no", from the Opposition Benches). That is provided in the Instrument of Instructions. The whole basis of the Provincial Autonomy is based on that. Provincial Autonomy is based on this that where Governor is mentioned by itself without the expression "acting in his discretion" there the Governor has got to accept the advice of his Ministers or if he differs, he would ask the Ministers to resign. Therefore, the Governor acting on advice is clearly different from the Governor acting in his discretion. (Interruption from the Opposition Benches.)

Mr. SPEAKER: I think you can leave that part to me. So much knowledge of the constitution, I have at least gathered by now; so you need not quarrel about it. What is Governor on advice or Governor in his individual judgment or Governor in his discretion, these are the three expressions and we all know what they mean. Yes, Sir Nazimuddin.

Rai HARENDRA NATH CHAUDHURI: The Leader of the House in his ignorance says Governor means the Council of Ministers. He is misleading the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Dr. Syamaprasad Mookerjee took 45 minutes over this and all his illustrations and all his arguments were based on the proviso and the proviso refers only to where the Governor acts in his discretion. The main burden of his song was over the proviso and I maintain that by this rule, we are not giving any extra power which had been denied to the Governor by the Act, viz., we are not increasing his powers under his right to act in his discretion. Therefore there can be no question of this rule which has been proposed as being *ultra vires*. As regards the question of desirability of this rule which Dr. Syamaprasad Mookerjee mentioned, I maintain that the whole question whether it should be by an *ad hoc* resolution or by means of the rules, as has been suggested in the amendment, can be settled in the Select Committee.

Dr. NALINAKSHA SANYAL: Sir, may I invite your attention that Sir Nazimuddin is going into the merits. You should also give us some chance to go into the merits.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not *ultra vires*. The Select Committee can decide whether it is going to be by an *ad hoc* resolution ---

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I again invite your attention that Sir Nazimuddin is going into the merits?

Mr. SPEAKER: I cannot apply my mind to too many things at the same time.

Dr. NALINAKSHA SANYAL: If you kindly apply your mind to one side, that is Sir Nazimuddin's side, that will satisfy us.

Mr. SPEAKER: I am not going to allow him to go into the merits. If he goes I will stop him.

The Hon'ble Khwaja Sir NAZIMUDDIN: I will point out to you that in our rules—we have got rules 3, 4, 5, 7, 18, 20, 47, 107 and 124—the word "Governor" has been used and there where it refers to Government and to the procedure of the House and how the Speaker can conduct it and various other things have been provided for. Therefore, Sir, it is all the time a part of this constitution that as far as the work in this Legislature is concerned, Governor has a say in this matter, and if the use of the word "Governor" in the existing rules, which are not one but in large number, has not made it *ultra vires*, I do not see how on this occasion the use of the word "Governor" can make a rule *ultra vires*. It is absolutely clear that this position has been accepted by this House before and that certain powers have been entrusted by this House to the Governor in the rules which I have quoted already. What we propose now is for this House to give some other powers to the Governor, who is really the Government. Therefore, I maintain that this question of "stranger" does not come in.

Mr. SPEAKER: Sir Nazimuddin, I think that is not the real issue. The real point is whether you can delegate powers to an outside authority. Speak on that point.

The Hon'ble Khwaja Sir NAZIMUDDIN: I maintain, Sir, that we are not delegating our powers to an outside authority for the simple reasons, firstly, that we have already given certain powers to the outside authority in a number of rules, and secondly, that "Governor" which here really means Government is the Council of Ministers, and certainly they are not an outside authority. (Cries of "question, question" from the Opposition Benches.) Sir, section 60 says "There shall for every Province be a Provincial Legislature which shall consist of His Majesty, represented by the Governor". (Cries of "exactly" from the Opposition Benches.) So it is a part of the Assembly. (Rai HARENDRA NATH CHAUDHURI: No, no. You have been wrongly briefed.) I maintain, Sir, that there is no question in this case of Governor being a stranger.

Mr. SPEAKER: I do not think, I can give my decision today. I will give my decision on Monday. In the meantime, I will welcome any assistance any member can render to me, and I would request Dr. Syamaprasad Mookerjee to give me his references, because I could not take them down.

Adjournment.

The House was then adjourned at 7-25 p.m., till 4 p.m., on Thursday, the 7th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 7th December, 1944, at 4 p.m.

Present:

Mr. Deputy Speaker (MR. SYED JALALUDDIN HASHEMY) in the Chair, 10 Hon'ble Ministers and 180 members.

STARRED QUESTIONS

(to which oral answers were given)

Defence of India Rule cases in Subdivisional Criminal Courts of Gopalganj.

*60. **Mr. SHAMSUDDIN AHMAD KHANDKAR:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(a) the number of Defence of India Rule cases in the Subdivisional Criminal Courts of Gopalganj (Faridpur) from 1st June, 1943, to 29th February, 1944;

(b) the date of start of each of them;

(c) the number of them that has been disposed of with date of disposal;

(d) the number of them that are still pending;

(e) the offence complained of in those cases; and

(f) the amount of Government money spent for those cases up to the 29th February, 1944?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) 146.

(b) and (e) A statement is laid on the Library Table.

(c) 129. Full details will be found in the statement laid on the Library Table.

(d) 17.

(f) Rs.358.

Further supplementaries to starred question No. 65.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what was the object of visit to Jaipur outside British India by Mr. Biren Roy?

Khan Bahadur MOHAMMED ALI: Sir, this question was over yesterday. I think we were about to take up question number 66.

Mr. P. BANERJI: That question was not finished yesterday.

Mr. DEPUTY SPEAKER: I understand supplementary questions were in progress when the question time was over.

Khan Bahadur MOHAMMED ALI: Sir, I was under the impression that the question was over.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell the House what was the object of visit to Jaipur outside British India by Mr. Biren Roy?

Khan Bahadur MOHAMMED ALI: I replied to this question yesterday.

Mr. DHIRENDRA NATH DATTA: No, Sir. He has not.

Mr. DEPUTY SPEAKER: But the Parliamentary Secretary says he gave the reply yesterday.

Babu MADHUSUDAN SARKER: With regard to the tour to Karachi, will the Hon'ble Minister be pleased to state whether all these Parliamentary Secretaries went there all at a time or at different times?

Khan Bahadur MOHAMMED ALI: I would refer the honourable member to my reply to this question given yesterday.

Mr. DHIRENDRA NATH DATTA: Sir, this question was not answered yesterday. The question that was put was this: "Is it a fact that Mr. Biren Roy went there on the occasion of the birth of his child"?

Mr. DEPUTY SPEAKER: I was not then in the Chair. I will look into the proceedings of yesterday. My information is—I will have to accept my office statement—that the question was in progress when the question time was over. The Parliamentary Secretary says that he had replied to this question. I cannot decide it today. In that case the question may be held over.

Khan Bahadur MOHAMMED ALI: There is no necessity for holding over this question. The question was put to me yesterday regarding the Karachi tour and I replied to that. I replied that there was an All-India Conference of Ministers and Parliamentary Secretaries held at Karachi. I also replied to the question about Mr. Roy's visit to Jaipur. So both these questions were replied to yesterday.

Srijut MANINDRA BHUSAN SINHA: Was any conference held at Jaipur?

Khan Bahadur MOHAMMED ALI: No, no. I said that the Conference was held at Karachi. As regards Mr. Biren Roy's visit to Jaipur, the Home Department, I said, had no information regarding the business transacted in Jaipur.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state whether a Parliamentary Secretary requires any previous permission and approval before going out on tour?

Khan Bahadur MOHAMMED ALI: I might add that I had also replied to that question.

Facilities granted to Mrs. Leela Roy, a security prisoner, for reading books.

*66. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that the Government permitted Mrs. Leela Roy, a security prisoner, lodged at the Dinajpur Jail to be a member of a local library to give her facility to read books as there is no library in the Dinajpur Jail;

(*ii*) that the local Intelligence Branch has not made any arrangements to procure books for her from the library after censoring the same; and

(*iii*) that she has submitted a list of books?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when the permission was issued; and

(*ii*) what steps do the Government propose to take to give effect to the permission issued to Mrs. Roy?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Government permitted the security prisoner to

become a member of the Dinajpur Public Library on condition that she would make her own arrangements for the receipt and despatch of books subject to the usual censorship and she received 11 books.

(*b*) (*i*) On 28th January, 1943.

(*ii*) Does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how a security prisoner detained in jail can make his own arrangements for the procurement and despatch of books unless he is helped by jail officials?

Khan Bahadur MOHAMMED ALI: The jail officials will help security prisoners but they cannot approach the library for their enrolment as members of libraries. All the preliminary work has to be done by the security prisoner himself.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether he is aware that there is always mordinate delay in communicating her demands for books to the library and in censoring books supplied by the library?

Khan Bahadur MOHAMMED ALI: There is no mordinate delay. The delay that is usually necessary for censoring books only takes place.

Mr. NISHITH NATH KUNDU: Will the Hon'ble Minister be pleased to state if those 11 books supplied to her were supplied during a period of one year since she was granted permission?

Khan Bahadur MOHAMMED ALI: They were supplied to her after the grant of permission and before her transfer from Dinajpur to Calcutta for medical treatment.

Family allowance of Jiban Kumar Chatak, a security prisoner.

***67. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Jiban Kumar Chatak, B.A., of village Dulukantha, police-station Naria, district Faridpur, now a security prisoner in the Rajshahi Central Jail, used at the time of his detention to earn Rs.75 per month, Rs.40 as a teacher in a local high school and Rs.35 from tuition;

(*ii*) that he has got 7 dependants including a widowed aunt (father's sister), a sister with a son, an unmarried sister and a minor brother—all absolutely dependent on him;

(*iii*) that he was at first granted a monthly allowance of Rs.20, which has since April last been increased to Rs.35;

(*iv*) that rice in the locality of his home is even now being sold at Rs.18 per maund;

(*v*) that other things are equally costly; and

(*vi*) that Rs.35 are not sufficient to meet the expenses of his family?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government intend to increase his family allowance to Rs.75 a month?

(*c*) If not, will the Hon'ble Minister be pleased to state the reasons thereof?

(*d*) Will the Hon'ble Minister be pleased to state whether the marriage of his unmarried sister is overdue and that for help towards her marriage he on the 25th October, 1943, wrote to the Additional Deputy Secretary, Government of Bengal, through the District Magistrate, Faridpur, and that the Naria Police held an enquiry about it on the 3rd January, 1944?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister please state what has been the decision of the Government in the matter?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) The Home Minister's information is that he had no income from private tuition.

(*ii*) It is reported that he has got only 3 family members partially dependant on him.

(*iii*) The family allowance has been enhanced from Rs.35 to Rs.40 per month with effect from the 1st March, 1944.

(*iv*) and (*v*) The Home Minister has no information.

(*vi*) Does not arise.

(*b*) No.

(*c*) The approximate annual income from the landed property of the security prisoner is reported to be Rs.650. Besides this his aunt has got 14 *gandas* of land which provides for her maintenance. The amount equal to his pre-arrest income has been granted as family allowance.

(*d*) A petition, dated the 22nd October, 1943, containing a prayer for the grant of a lump sum for the marriage expenses of the sister was received by Government, and a Police report thereon was submitted to the Government on the 12th February, 1944.

(*e*) The prayer has been rejected by Government.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the source of information regarding his income from private tuition?

Khan Bahadur MOHAMMED ALI: An enquiry was made by the officers of Government.

Mr. NISHITHA NATH KUNDU: In view of the fact that one responsible member of this House supplied the information that the security prisoner was earning Rs. 35 per month by private tuition, will the Hon'ble Minister be pleased to consider the desirability of making a fresh enquiry into the matter?

Khan Bahadur MOHAMMED ALI: No definite statement has been made by any member of this House to that effect. If that is done, then an enquiry will be made.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have considered the fact that the marriage of the unmarried sister of the security prisoner cannot be effected without Government help while the prisoner is in detention?

Khan Bahadur MOHAMMED ALI: The security prisoner has been given family allowance according to his pre-arrest income.

Mr. SURENDRA NATH BISWAS: Sir, my question is whether Government has considered the fact that this prisoner has no other means of meeting the expenses of his sister's marriage except with Government help because he is in detention?

Khan Bahadur MOHAMMED ALI: That is obvious from my reply when I stated that the prisoner's pre-arrest income has been restored by means of the family allowance that has been granted. So he is not suffering any financial loss by his detention.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether in view of the fact that the policy of the Government is to ensure to the family the income of which the family has been deprived, Government will consider the desirability of granting a lump sum to the family in order to meet its requirements?

Khan Bahadur MOHAMMED ALI: No security prisoner is entitled to have an income which he did earn before his arrest. But Government has been granting family allowance liberally. In this particular case the family allowance that has been granted is equal to the pre-arrest income of the prisoner, which means that the family has not been deprived of any financial assistance by this detention.

Dr. ABDUL MOTALEB MALIK: In the face of Government taking the responsibility of granting family allowance, will the Hon'ble Minister be pleased to state whether Government will also take the responsibility for the marriage expenditure of the sister of any security prisoner?

Khan Bahadur MOHAMMED ALI: In my reply I have made it clear that the family has not suffered any financial loss: the prisoner used to earn Rs. 30 or Rs. 40 per month before detention: after detention the same amount is being granted to the family. So if the marriage had to be performed before his arrest or during his detention, the family would have to manage it.

Dr. ABDUL MOTALEB MALIK: Is the Hon'ble Minister aware that a man earning Rs. 35 per month does not necessarily spend Rs. 35 to give his sister in marriage?

Mr. DEPUTY SPEAKER: That question does not arise. That is a matter of opinion.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether it is not a fact that this gentleman being a security prisoner was deprived of the liberty of approaching the generous public to raise funds for the marriage expenses of his sister?

Khan Bahadur MOHAMMED ALI: If it is a question of collecting funds by donation or charities, there are other members of the family who can do the same thing.

Restriction order on Sreejukta Indumati Guha Thakurta.

***68. Maulvi HAJI TOFEL AHMED CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware—

(*i*) that Sreejukta Indumati Guha Thakurta of Banaripara, district Bakarganj, was served with a restriction order on the 14th September, 1942;

(*ii*) that the order has not yet been withdrawn; and

(*iii*) that she has been doing relief work?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) withdrawing the restriction order; and

(*ii*) allowing her free scope for carrying on relief work?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) and (*ii*) Yes.

(*iii*) The Hon'ble Home Minister's information is that she has been guiding some relief work for the last 2 or 3 months only from her place of restriction.

(*b*) No.

Security Prisoners.

***69. Mr. S. A. SALIM:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of security prisoners detained in the Province as on—

(*i*) 1st December, 1941;

(*ii*) 30th March, 1943;

(iii) 24th April, 1943; and
(iv) 1st March, 1944;

(b) the number of security prisoners arrested during the period—
(i) 5th March, 1941, and 29th March, 1943; and
(ii) 24th April, 1943, and 13th March, 1944;

(c) the number of security prisoners released during the period—
(i) 7th March, 1941, and 29th March, 1943; and
(ii) 24th April, 1943, and 13th March, 1944; and

(d) the amount of family allowance sanctioned (including enhancement) during the period—
(i) 7th March, 1941, and 29th March, 1943; and
(ii) 24th April, 1943, and 13th March, 1944?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) The figures on the dates required are not available.

(a) (i) 227 on the 28th November, 1941.
(ii) 1,647 on the 28th March, 1943.
(iii) 1,593 on the 28th April, 1943.
(iv) 1,273 on the 28th February, 1944.

(b) (i) 1,878.
(ii) 192.

(c) (i) 372.
(ii) 519.

(d) The Home Minister does not consider the labour involved in furnishing the information asked for will be justified in the present emergency

Transfer of Babu Khagendra Nath Das Gupta, a security prisoner, from Jalpaiguri Jail to Rajshahi Central Jail.

***70. Miss MIRA DUTTA GUPTA:** (a) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(i) whether it is a fact that Mr. Khagendra Nath Das Gupta, M.L.A., received hurt and injury from an attack by the cows kept in the Jalpaiguri Jail while he was detained there as a security prisoner;
(ii) whether Mr. Das Gupta was transferred from the Jalpaiguri Jail to the Rajshahi Central Jail while he was quite unfit to travel on account of the hurt and injury referred to above,
(iii) whether Mr. Das Gupta was carried to railway station and into the railway compartment in an invalid chair;
(iv) whether Mr. Das Gupta requested the Jail authority to postpone the transfer for a day or two on ground of his unfitness to undertake the journey; and
(v) if so, with what result?

(b) If the reply to (a) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for his transfer?

(c) Has the attention of the Hon'ble Minister been drawn to the report published in *Janamat*, a weekly paper published from Jalpaiguri, of the 4th *Baisakh* last, containing the full details of the incident?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) (i) No, while walking unmindfully inside the jail the security prisoner got frightened at the sight of cow grazing near the cowshed and stumbled and got slight bruise in one of his great toes.

(ii) He was thoroughly examined by the Civil Surgeon who certified him fit to travel when he was transferred to Rajshahi.

(*iii*) He was not carried to railway station in any invalid chair. On arriving at the railway station he demanded an invalid chair and the police escort supplied it.

(*iv*) No.

(*v*) and (*b*) Do not arise.

(*c*) Yes. The report is grossly inaccurate in many particulars.

Mr. NISHITHA NATH KUNDU: With reference to answer (*c*), will the Hon'ble Minister be pleased to give us a substance of the report and where it is grossly inaccurate?

Khan Bahadur MOHAMMED ALI: Sir, it will take a lot of time because I will have to read through the newspaper report and compare it with my report.

Dr. NALINAKSHA SANYAL: So you have not gone through it.

Khan Bahadur MOHAMMED ALI: But the honourable member does not expect me to commit it to memory.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister mention one inaccuracy in the report?

Khan Bahadur MOHAMMED ALI: One of the reports is that he was carried from the jail to the hospital in an easy chair or in an invalid chair which is not correct.

Dr. NALINAKSHA SANYAL: That is not the report; your information is incorrect.

Application of ratio-rules regarding promotion.

*71. **Mr. MONOMOHAN DAS:** Is the Hon'ble Minister in charge of the Home Department considering the desirability of applying the ratio-rules with regard to the promotion of the employees belonging to the Scheduled Castes in the various Departments of the Government by amending the rules?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): No.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what are the criteria considered for promotion of officers?

Khan Bahadur MOHAMMED ALI: The criteria considered are efficiency, merit and seniority.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether Government has any agency to look into the infringements of these rules if there be any?

Khan Bahadur MOHAMMED ALI: Yes, Sir; in the matter of appointments.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether the Government has any agency to look into the matter when there is an infringement of those principles?

Khan Bahadur MOHAMMED ALI: Which principles?

Babu MADHUSUDAN SARKAR: Principles about efficiency, merit and seniority?

Khan Bahadur MOHAMMED ALI: All those facts are taken into consideration when the names are sent up or the names are recommended or when promotions are made.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether those principles have been infringed by the authorities who are entrusted with cases of promotion?

Mr. DEPUTY SPEAKER: Mr. Sarkar, you are only repeating the same question over and over again.

Babu MADHUSUDAN SARKAR: But I have not got a suitable reply.

Mr. DEPUTY SPEAKER: It may not be suitable but if you go on putting the same question I cannot help you to get a proper reply.

Next question.

Babu MADHUSUDAN SARKAR: One more question, Sir. Will the Hon'ble Minister be pleased to state whether he is aware that in the case of promotion of Scheduled Castes their cases are not properly considered or injustice is done to them?

Khan Bahadur MOHAMMED ALI: We have no information of any such case. If the honourable member will refer to any particular case the matter will be looked into.

Dr. NALINAKSHA SANYAL: May I rise on a question of privilege. There is hardly any possibility of any heat today and we must see that we are not at least frozen on account of the cooling of the House. (Laughter.)

Mr. DEPUTY SPEAKER: You yourself alone is sufficient to keep the House warm. (Laughter.)

Observance of Communal Ratio Rules in making appointments to posts of Assistant Section Holders in the Bengal Government Press.

***72. Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether compositors in Bengal Government Press are transferred from extra-piece establishment to permanent-piece establishment according to the Communal Ratio Rules?

(*b*) Is it a fact—

(*i*) that one Mr. S. N. Bose in the same press has been recently transferred from extra-piece to permanent-piece establishment ignoring the claim of one Muslim compositor; and

(*ii*) that the said Mr. S. N. Bose was appointed as Assistant Section Holder, ignoring the claim of one Senior Muslim or Scheduled Caste compositor, already in permanent-piece establishment?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(*d*) Is the Hon'ble Minister considering the desirability of taking steps so that Communal Ratio Rules may be observed?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): (*a*) The appointment of an extra-piece establishment worker to a vacancy in the permanent-piece establishment has heretofore been regarded as promotion and as such the Communal Ratio Rules are not applicable thereto.

(*b*)(*i*) No.

(*ii*) On the 1st June, 1944, Mr. S. N. Bose was appointed on probation to the post of Assistant Section Holder on the result of a competitive examination open to all compositors, distributors, etc., in which he stood first.

(*c*) to (*e*) Do not arise.

Mr. MIRZA ABDUL HAFIZ: With reference to answer (*a*), will the Hon'ble Minister be pleased to state when this principle first came into force?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: This has been in force for a long time.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the differences against the interest of one community with respect to promotion will be compensated at the time of fresh recruitment?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: We have tried our best to compensate, but the communal ratio rules do not apply to the case of promotion.

Promotion, travelling allowance and pay of Special Officers.

***73. Mr. PUSPAJIT BARMA:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) what is the basis for promotion of Special Officers;

(*ii*) whether seniority or age restriction is taken into account,

(*iii*) how many Special Officers are now in service;

(*iv*) what are their jurisdiction;

(*v*) whether it is a fact that some Special Officers are placed in charge of entire subdivision consisting of two or more Circles; and

(*vi*) whether they get any extra travelling allowance for it?

(*b*) If the answer to (*vi*) is in the negative, will the Hon'ble Minister be pleased to state whether the Government have got any proposal for giving them any extra travelling allowance?

(*c*) Is the Hon'ble Minister aware that pay of temporary Sub-Deputy Collector has been recently increased?

(*d*) If so, will the Hon'ble Minister be pleased to state whether the Government have got any proposal for increasing the pay of the Special Officers during the prevailing economic crisis?

Khan Bahadur A. F. M. ABDUR RAHMAN (on behalf of the Hon'ble Mr. Jogendra Nath Mandal): (*a*)(*i*) Merit and seniority.

(*ii*) Seniority is one of the factors taken into account.

(*iii*) 120.

(*iv*) One or more Circles according to administrative necessity

(*v*) and (*c*) Yes.

(*vi*) No, they get a fixed travelling allowance for travelling within their jurisdiction

(*b*) No, the fixed travelling allowance is considered sufficient for the purpose of a Special Officer's tour within his jurisdiction.

(*d*) No, the pay plus fixed travelling allowance, house allowance and dearness allowance is considered adequate.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state who determines the merits of a particular candidate?

Khan Bahadur A. F. M. ABDUR RAHMAN: The Public Service Commission determines the merits.

Acquirement of lands and homesteads in Feni.

***74. Maulvi MD. IBRAHIM:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that a large area of land including arable land and homsteads has been acquired for the purpose of construction of aerodromes and landing grounds at Feni?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when the lands were acquired;
(*ii*) how many families were compelled to evacuate;
(*iii*) whether the evacuees have been paid their compensation for their lands and homesteads;
(*iv*) whether they have received compensation for the entire period, i.e., from the date of acquisition till to date; and
(*v*) if not, (1) for what period, and (2) to how many of the families the compensation has been paid?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): It is regretted that this information cannot be supplied in the interests of security.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether lands in Feni have been requisitioned under rule 75A of the Defence of India Rules?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I have nothing further to add.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state what he actually means by the expression "in the interest of security"?

The Hon'ble Mr. TARAK NATH MUKERJEA: I mean what I say

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state how security will be affected if the information asked for is supplied?

Mr. DEPUTY SPEAKER: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that large areas of land in Feni have been requisitioned and taken over by Government under rule 75 or other rules of the Defence of India Rules?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, in the interest of security I cannot disclose it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that many families were compelled to evacuate and some of them at short notice?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have nothing further to add.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is in a position——

Mr. FAZLUR RAHMAN: On a point of order, Sir. I think that these questions cannot be put after it is said that these things cannot be said in the interest of security and these supplementary questions do not arise.

Dr. NALINAKSHA SANYAL: Whether a question arises or not is not for the Chief Whip of Government to dictate to you. That is a question for you to decide.

My question is, is it not a fact that certain areas of land had been acquired by Government in Feni under the Defence of India Rules?

Mr. DEPUTY SPEAKER: The answer has been that this will not be replied to.

Dr. NALINAKSHA SANYAL: I am following up that answer with another question. Is it not absolutely true that a large number of families were compelled to evacuate from their homesteads at short notice?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have already stated that I cannot make any statement in the interest of security.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if there is provision for compensation to be paid to the occupiers and owners of lands if Government acquire their lands for any purpose whatsoever?

The Hon'ble Mr. TARAK NATH MUKERJEA: Different kinds of compensation are paid in different cases. In the case of acquisition of lands under the Defence of India Rules compensation is paid according to rules.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that the local officials of Government have denied the evacuees who were compelled to evacuate from their homesteads adequate compensation which is provided under the rules?

Mr. FAZLUR RAHMAN: On a point of order. This question does not arise because the Minister has said that in the interest of security it will not be proper to answer the particular question. A supplementary question has to arise out of the answer. He cannot assume certain facts. If the Hon'ble Minister had given him facts then he could have put supplementary questions. First he will have to ask whether this is a fact and on that he can build up his questions.

Mr. DEPUTY SPEAKER: You mean to say that this question does not arise out of the answer given by the Hon'ble Minister.

Mr. FAZLUR RAHMAN: Yes.

Dr. NALINAKSHA SANYAL: On a point of order. The rules provide for questions and answers and the Speaker's right has been circumscribed with regard to the manner in which the answer is to be given by the Minister in charge. If the Minister says that he cannot or will not reply in public interest, unfortunately our present rules are such that the Speaker cannot compel the Minister to provide the adequate answer for the House. Now, Sir, that presupposes that whatever question is put to the Minister it will be for the Minister to reply and not for the Speaker to intervene as to whether the question can be answered in one way or other. The Speaker can only declare something out of order in reference to rules and he cannot go beyond the rules. If the Minister does not care for the prestige of the House and the privilege of the members, then the Minister must suffer. That is the position, Sir.

Mr. DEPUTY SPEAKER: I am of opinion that supplementary questions should arise out of the answers given by Government. If the answer is negative you cannot assume things in a manner that this can happen and you cannot go on putting supplementary questions in the way of cross-examination. On the whole the Hon'ble Minister has refused to answer on certain ground. I am not here to define or dictate whether this ground is correct or not. That is not my business. He has refused to answer and therefore I do not think any supplementary question can arise.

Dr. NALINAKSHA SANYAL: Has he refused to answer, that is the point? If he has refused to answer then the question will be held over. I take it your decision is final.

Khan Sahib HAMIDUDDIN AHMAD: Sir, after your ruling no supplementary question can be allowed.

Mr. DEPUTY SPEAKER: Dr. Sanyal, I will give you another chance to put a fresh definite question that arises out of the answer.

Dr. NALINAKSHA SANYAL: With reference to question (*b*)(*iii*), will the Hon'ble Minister be pleased to state whether Government is in a position to state if it is not a fact that a large number of families which were forced to evacuate were not paid adequate compensation?

Mr. DEPUTY SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether any compensation has been paid to any owner and occupier of land in the Feni subdivision under the Defence of India Rules?

Mr. DEPUTY SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given that there are provisions for compensation being given to persons from whose occupation and ownership lands have been requisitioned by the Government, will the Hon'ble Minister be pleased to state whether persons whose lands were acquired have been given any compensation at all?

The Hon'ble Mr. TARAK NATH MUKERJEA: In reply to this question, as I have already stated, I cannot state anything in the interests of security.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I invite your attention to rule 33 of the Assembly Procedure Rules which reads thus: "Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given." Not about the answer.

Mr. DEPUTY SPEAKER: What is your point of order?

Dr. NALINAKSHA SANYAL: My point is that questions can be put regarding which an answer has been given. Either you take it that the answer has been given or you take it that the answer has not been given. If you take it that the answer has not been given, then the question is held over automatically. If you say that the answer has been given, I have a right to put supplementary questions. I stand on the rules. The rules are to be followed by the Deputy Speaker. In this connection I would invite your attention to the rules, and I want a ruling whether an answer has been given or not.

Mr. DEPUTY SPEAKER: I have already given my decision and I am not going to open that matter again. If you want to put supplementary questions, I will give my decision on the merits of the questions.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to explain how by replying to the question as to whether compensation was given to them or not, public security will be affected?

The Hon'ble Mr. TARAK NATH MUKERJEA: Since it is a war measure, I regret I cannot state anything in the interests of security.

(At this stage the House was adjourned for 15 minutes.)

(After Adjournment.)

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that during the last three months the local officers have indicated that they are not in a position to grant compensations for evacuated families at the rate originally determined by Government?

Mr. DEPUTY SPEAKER: I disallow this question.

Dr NALINAKSHA SANYAL: Under which rule?

Mr. DEPUTY SPEAKER: In my opinion the question does not arise out of the answer.

Dr. NALINAKSHA SANYAL: The question has not got to arise out of the answer given. The question will arise out of the main question. If you will kindly read rule 33, you will, I hope, correct yourself. If it is held that the answer is given, then you have got no other alternative but to allow supplementary questions. I submit, Sir, that as you have not the power to compel the Minister to behave properly and to prepare the answer correctly, you should not intervene in his support.

Mr. DEPUTY SPEAKER: Dr. Sanyal, again you are going beyond your jurisdiction. It is not a question to help a certain member or a group of members. In my opinion the question does not arise out of the answer. The answer is very clear.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. I invite your attention to rule 33 where it is stated "Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given". Sir, only two conditions are required to be fulfilled by this rule 33, namely, first there must be a question relating to a matter of fact, and secondly, that the question has been answered. But, Sir, it does not require that a supplementary question has got to arise out of the answer that is given. It must only relate to a question of fact,—a question which has been answered. So I respectfully draw your attention, before you make your ruling final to the effect that a supplementary question must arise out of the answer given, to the words of rule 33 where you will find it clearly stated that the only condition that has got to be fulfilled regarding the subject-matter is that a supplementary question must relate to the fact in a question that has been asked, and it will arise only if an answer has been given. The rule does not say that it has got to arise out of the answer given.

Mr. DEPUTY SPEAKER: Mr. Rai Chaudhuri, you have seen the question and you have seen the answer too. The answer is categorical. The answer is "It is regretted that this information cannot be supplied in the interests of security". I also refer to the proviso to the rule which you have referred to where it is stated that "Provided that the Speaker shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject-matter of questions". I hold that members are entitled to put supplementary questions to elicit information. But the answer here is very clear and I cannot allow any cross-examination on the answer that has been given. I can help the members of this House if it is held that this answer is inadequate, or the answer is not sufficient. In that case I am prepared to help the members. There are also other provisions for the protection of the rights of the members of the House and if a proper motion is moved, I am here to help members in a proper way, but I cannot allow questions which do not, in my opinion, arise out of the answer given.

Dr. NALINAKSHA SANYAL: May I invite your attention to rule 26? The proviso to rule 33 that you have drawn attention to circumscribes the powers of the Speaker to disallow any supplementary question and limit the same to cases only when it infringes the rules as to the subject-matter of questions: otherwise not. If you disallow a question on any other ground, I am entitled to disobey you. You have a right to disallow a question only when it infringes the rules. The proviso entitles you to disallow a question but not to act as Hitler. Your powers are limited and if you exceed your powers, I may exceed my powers. What will be the position then? Therefore I submit that you should not exercise your powers in an arbitrary manner and disallow my question. (Interruption.) It is not a matter of joke. It is a question of my privilege as much as it is the

right of the Speaker or the Chair. I submit that my duty to the Speaker or the Chair is as sacred as your duty to the House and to myself. If you are not prepared to respect the privileges of the House——

Mr. DEPUTY SPEAKER: How does that question arise?

Dr. NALINAKSHA SANYAL: You have disallowed my question without any authority. You have got to exercise your right under certain conditions. If you do not exercise your right within the rules, then I am not bound by your ruling.

Mr. DEPUTY SPEAKER: If you are of that opinion, you have a right to disobey the Chair. So far as the supplementary question is concerned I have disallowed it.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*)(*v*), will the Hon'ble Minister be pleased to state if it is a fact——

Mr. DEPUTY SPEAKER: There is no answer to (*b*)(*v*).

Dr. NALINAKSHA SANYAL: I am referring to question (*b*)(*v*). Will the Hon'ble Minister be pleased to state if it is a fact that a number of families that were evacuated have not received the compensation?

Mr. DEPUTY SPEAKER: You have already put that question.

Dr. NALINAKSHA SANYAL: Sir, a number of families that were evacuated did not receive any compensation during the last three months.

Mr. DEPUTY SPEAKER: Please repeat your question.

Dr. NALINAKSHA SANYAL: With reference to question (*b*)(*v*), will the Hon'ble Minister be pleased to state whether the Government are aware that during the last three months a number of families that were evacuated have not been paid any compensation for the forcible evacuation from their homesteads?

Mr. DEPUTY SPEAKER: You have not followed the spirit of the reply given.

Dr. NALINAKSHA SANYAL: I am not here to follow the spirit of the reply; nor are you.

Mr. DEPUTY SPEAKER: I have to see whether the supplementary question is in order or not. Supposing the answer comes again in the same manner that he has nothing more to add, in that way do you think that I should allow supplementary questions indefinitely?

Dr. NALINAKSHA SANYAL: It is not for you to assume what answer the Hon'ble Minister may give. I submit, Sir, that you cannot help the Minister in that way. Can you compel or direct the Minister to give proper answers?

Mr. DEPUTY SPEAKER: No. It is no use arguing, I think. I have disallowed the question.

Mr. CHARU CHANDRA ROY: A supplementary question, Sir.

Mr. DEPUTY SPEAKER: Yes, Mr. Roy.

Mr. CHARU CHANDRA ROY: Before putting my supplementary question, I would like to submit that if you go through the answers given by the present Ministry you will find that they——(A VOICE: Is that a supplementary question?) It is my privilege to make my submission to the Chair and I want to do so.

Mr. DEPUTY SPEAKER: I have already made it clear that if you have any grievance you may take the proper course under the rules.

Mr. CHARU CHANDRA ROY: In view of the answer given by the Hon'ble Minister, would he please tell the House whether it is to safeguard the interests of the reactionary Ministry that a proper answer is not given?

Mr. DEPUTY SPEAKER: I disallow that question.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell the House how the interests of security will be affected if the question is replied as to the number of families who have grievances for not receiving any compensation?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have nothing further to add.

Dr. NALINAKSHA SANYAL: With reference to question (*b*)(*i*), will the Hon'ble Minister be pleased to state if he is aware that at the time the lands were acquired crops were on the lands which were destroyed?

The Hon'ble Mr. TARAK NATH MUKERJEA: I regret that this information also cannot be supplied.

Mr. HARENDRA KUMAR SUR: Is it a fact that exactly similar questions were answered previously giving particulars?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am not aware.

Dr. NALINAKSHA SANYAL: With reference to question (*b*)(*iii*), will the Hon'ble Minister be pleased to state if any separate valuation was made of agricultural lands and homesteads in the matter of payment of compensation?

The Hon'ble Mr. TARAK NATH MUKERJEA: I submit that this question does not arise.

(Mr. Deputy Speaker then called the next question.)

Dr. NALINAKSHA SANYAL: I am still on my legs. Why do you call the next question? Will the Hon'ble Minister——

Mr. DEPUTY SPEAKER: Is your supplementary question in connection with starred question No. 74?

Dr. NALINAKSHA SANYAL: Yes.

Mr. DEPUTY SPEAKER: I cannot allow that. I have already called the next question. I hope you will allow the business of the House to continue.

Dr. NALINAKSHA SANYAL: I hope you will allow me to put my supplementary question.

Mr. DEPUTY SPEAKER: I have passed over to the next question.

Dr. NALINAKSHA SANYAL: I was on my legs and you were looking at me all the time. Yet, you called the next question.

Mr. DEPUTY SPEAKER: I thought it desirable to pass over to the next question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister——

Mr. DEPUTY SPEAKER: I have finished with question 74

Dr. NALINAKSHA SANYAL: But I have not finished. It is an important question.

Khan Bahadur MOHAMMED ALI: Sir, he is flouting the authority of the Chair and obstructing the business of the House. He should be named.

Mr. DEPUTY SPEAKER: Order, please. That is a matter for me to decide.

Dr. Sanyal, I hope you will allow me to carry on the business of the House.

Dr. NALINAKSHA SANYAL: Sir, I stand on my rights to put supplementary questions and if I am within the rules and if you infringe the rules, I have every right to put further supplementary questions.

Mr. DEPUTY SPEAKER: Dr. Sanyal, these remarks are very unfair. If you insist on doing this in spite of my repeated warnings, I will have to proceed according to the rules.

Mr. ATUL KRISHNA GHOSE: On a point of privilege, Sir. I would like to know from you, Sir, whether we are to be guided by replies to very important questions like this where the Hon'ble Minister will give a reply that he cannot answer the question on the plea of public security. When there are important questions, when there are questions of vital importance which concern the life and death of security prisoners, are we to be guided by flimsy replies like this? I should like to know that from you, Sir.

Mr. DEPUTY SPEAKER: Mr. Ghose, you know very well that I am absolutely helpless in this matter. Under the rules you know very well I cannot compel Government to give answers to your liking or to anybody's liking. When answers are not proper and you think you have a grievance there are provisions by which you can take necessary action. So it is not for me to see whether proper answers are given or not.

Dr. NALINAKSHA SANYAL: I respectfully bow to your ruling. It is my matter, not yours.

Mr. DEPUTY SPEAKER: Dr. Sanyal, I have finished this question and I have passed on to the next. The question started 15 minutes before and in my opinion the question should have been finished and I thought it proper to pass on to the next. I hope you will allow me to go on normally with the business of the House.

Dr. NALINAKSHA SANYAL: Even when you can give no protection against replies of that character from that side?

Mr. DEPUTY SPEAKER: Well, Dr. Sanyal, if you have any grievance you will see me in my Chamber and I will decide.

Dr. NALINAKSHA SANYAL: I am not going to see anybody in his Chamber.

On a question of privilege, Sir. You have stated that members ask questions and the Ministers answer and the Chair has no authority or right to direct the Minister to answer properly in a certain way. You have said you are helpless in this matter. If that is so, the privilege of the House requires that if you are helpless in directing the Minister to answer in a proper way, then you must allow the members to seek to get proper answers. When you are helpless against such wanton callousness or arbitrary replies on the part of the Minister, it is open to the members to put further supplementary questions and it is for you to give protection to the members and not to the Minister.

Mr. DEPUTY SPEAKER: I have allowed you to put supplementary questions. A certain number of supplementary questions were put. Now you have got other protections, if you are not satisfied with the answers.

Dr. NALINAKSHA SANYAL: Sir, we have none against the Chair. Therefore, I have to submit to your decision but you are creating a precedent which is most dangerous. That is why I am protesting when the Minister says, "I refuse to answer".

Mr. DEPUTY SPEAKER: I have not got any power.

Mr. SANTOSH KUMAR BASU: May I just make a personal appeal to you, Sir? It is extremely painful for us, particularly when you are in the Chair, to take up an attitude which might appear to be obstructive or in any way insolent to the Chair. At the same time, Sir, I implore you in the name of the privilege of the Opposition that you will kindly allow questions to be put by way of supplementaries if those questions are within the purview of the rules. Our submission is this and it is supported by the practice that has been followed in this House, that if these supplementary questions arise out of the questions which have been put by the members, then they are admissible. If the Hon'ble Minister thinks that he cannot or is not in a position in the public interest to give a reply it is open to him to say so. At the same time I take it—I was not here at the time the thing started—that you will kindly allow Dr. Sanyal or any other member to put supplementary questions and leave them to the Minister to decide how he answers them or whether he should answer them at all But the denial of the right to put supplementary questions which do relate to the subject matter of the original question is, I submit, not warranted under the rules.

Mr. DEPUTY SPEAKER: If you really insist to go on with supplementary questions on this question the only one course that is left to me is to hold over the question which I do now and pass on to the next question.

Deaths in flood-affected areas of Midnapore district.

***75. Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the Table, a statement showing up to August, 1943, since the cyclone on the 16th October, 1942—

(*i*) the number of deaths from cholera and dysentery in the saline flood-affected areas of the Midnapore district;

(*ii*) the number of deaths from fever in the same area;

(*iii*) the number of temporary hospitals with medical staff and medicine established, if any, in the same area; and

(*iv*) the name of the place where they have been opened?

(*b*) Is it a fact

(*i*) that a serious special type of fever in the form of epidemic has been prevalent in parts of police-stations Contai, Khejree, Sutahati, Nandigram, district Midnapore; and

(*ii*) that in the rural areas the dead bodies are not being burnt for want of sufficient helpers and are being thrown away?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the steps taken by the Government to tackle the situation?

(*d*) If no steps have yet been taken, is the Hon'ble Minister considering the desirability of taking proper steps to meet the medical need of the rural areas referred to in clause (*b*)(*i*)?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*) Cholera 2,713 and dysentery 983.

(*ii*) Fever 7,547.

(*iii*) 48.

(*iv*) A statement is laid on the Library Table.

(*b*)(*i*) No. After the cyclone a severe form of malaria broke out in the saline flood-affected areas.

(*ii*) No.

(*c*) The following measures were taken to tackle the situation:—

(1) One Additional Civil Surgeon was appointed to supervise the work of the temporary hospitals.

(2) Two Special Assistant Directors of Public Health were appointed to supervise the preventive work.

(3) Besides 6 departmental doctors, 60 temporary doctors, 60 compounders, 4 Sanitary Inspectors, 40 Health Assistants and 2 Lady Inoculators were also specially engaged.

(4) Seventy-six sets of unit boxes fully equipped with medicines, drugs and disinfectants were sent to the affected areas by Director of Public Health.

(5) 667 lbs. of quinine were supplied by Government in addition to 2,000 lbs. of quinine supplied by His Excellency the Governor from the Relief Fund.

(*d*) Does not arise.

New post of Deputy Surgeon-General (Stores).

*76. **Mr. MIAN ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether a new post called the Deputy Surgeon-General (Stores) has recently been sanctioned by Government;

(*ii*) whether the appointment to that post has been made;

(*iii*) what are the functions attached to the new post;

(*iv*) whether blankets and piece-cloths and various other necessities of life for distribution to the various Famine Relief Hospitals and also for distribution to the destitute people have been purchased through the agency and function of the said officer;

(*v*) who are the contractors chosen for the supply of abovementioned articles;

(*vi*) the amount of contracts allotted to each of them;

(*vii*) how they were selected; and

(*viii*) how many of them are (A) Hindus, (B) Muslims and (C) Scheduled Castes?

(*b*) Is it a fact that Communal Ratio Rules have not been observed in selecting the contractors for the supply of the abovementioned articles?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Minister considering the desirability of observing the Communal Ratio Rules in selecting the contractors?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*) and (*ii*) Yes.

(*iii*) His duties are to buy medical stores and other equipment for hospitals administered by Government and to distribute them to these hospitals as required.

(*iv*) He only buys blankets and cloths, etc., for use in hospitals but not for general distribution to destitutes.

(*v*), (*vi*) and (*viii*) A statement is laid on the Library Table.

(*vii*) Contracts were allotted to any good and reputable firm which was able to supply promptly in large quantities at reasonable rates.

(*b*) and (*c*) No Communal Ratio Rules have been promulgated to govern the selection of contractors, but contracts are allotted as fairly as possible among the different communities and those who offer reasonable rates.

Messing arrangement for pupils and nursing staff in Campbell Hospital.

*77. **Kazi ABUL MASUD:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(a) whether there is any messing arrangement both for the pupils and senior nursing staff in the Campbell Medical Hospital;

(b) if so, by whom this arrangement is made;

(c) whether Government contributes Rs.18 per head per month for the messing of pupil nurses and Rs.32 per head per month for the members of the senior nursing staff as messing charge and the same quality of food is supplied to all;

(d) whether the two women menials appointed for the nurses' quarters are supplied food free of charge by the Lady Nursing Superintendent;

(e) whether any complaint has been received about the bad quality of food supplied in this mess; and

(f) whether any audit or checking of the messing account is made by the Hospital Authority?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (a) Yes.

(b) The messing arrangement was so long in the hands of a contractor. But recently the Lady Superintendent of Nursing has taken over the charge of catering.

(c) The pupil nurses are paid Rs 18 per month each for diet allowance and old scheme staff nurses get Re 1 per head per diem. The same quality of food is supplied to all under the new catering arrangement.

(d) This practice has recently been stopped.

(e) Yes, a complaint was received by the Superintendent

(f) No.

Mr. CHARU CHANDRA ROY: With reference to answer (f), will the Hon'ble Minister please tell the House what action has been taken on the complaint?

Khan Sahib HAMIDUDDIN AHMAD: The Lady Superintendent is no longer in office and better arrangements have been made for messing. There is no further complaint.

Mr. CHARU CHANDRA ROY: My information is that there has been a complaint and I want to know whether any action has been taken on that complaint?

Khan Sahib HAMIDUDDIN AHMAD: What complaint? Complaint about messing?

Mr. CHARU CHANDRA ROY: Yes, about the quality of food.

Khan Sahib HAMIDUDDIN AHMAD: The complaint was about the management by the Lady Doctor and she is no longer there. New arrangement has been made and there has been no further complaint.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell us whether the House can take it that the Lady Superintendent has been driven out?

Khan Sahib HAMIDUDDIN AHMAD: She is no longer in service.

Mr. CHARU CHANDRA ROY: With reference to answer (f), will the Hon'ble Minister be pleased to tell the House whether the Government is going to check and audit the accounts of messing?

Khan Sahib HAMIDUDDIN AHMAD: There has not been any such complaint about the auditing or checking of accounts of messing.

Mr. CHARU CHANDRA ROY: My question is whether Government is going to check the accounts of messing.

Khan Sahib HAMIDUDDIN AHMAD: Unless there is a specific complaint Government is not going to do that.

Mr. CHARU CHANDRA ROY: Whether there is a complaint or not is not my question. My question is whether Government is going to check or audit the account of messing?

Khan Sahib HAMIDUDDIN AHMAD: Unless there is any specific complaint Government does not propose to take action.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether Government money is spent in messing and whether Government is going to check and audit those accounts?

Khan Sahib HAMIDUDDIN AHMAD: Government, as I have already stated, pay the nurses under training Rs. 18 per month and the staff nurses Re. 1 per diem and they are to make their own arrangements as they think best. So long a contractor had been doing all these things and the Lady Superintendent who is no longer in office took up the matter in her own way. The new arrangements that have been made by the nurses themselves are satisfactory.

Training of Indian girls as nurses in Campbell Hospital.

*78. **Kazi ABUL MASUD:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that nursing class has been started this year for the training of the Indian girls in the Campbell Medical Hospital?

(*b*) If so, will the Hon'ble Minister be pleased to state by whom the selection for admission is made?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) how many girls have been selected for this class since its inception; and

(*ii*) how many of them are—

(1) Muslims,
(2) Caste Hindus,
(3) Scheduled Castes,
(4) Indian Christians, and
(5) Other minority communities?

(*d*) Is it a fact that the applications from candidates other than Indian Christians are not entertained?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) Under the rules preliminary selection is made by the Lady Superintendent of Nursing which requires confirmation by the Superintendent of the Hospital.

(*c*) (*i*) 30 in two batches.
(*c*) (*ii*) (1) Muslim 1.
(2) Caste Hindus 15.
(3) Scheduled Castes 2.
(4) Indian Christians 12.
(5) Other minority communities—Nil.
(*d*) No.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state how many girls can be taken every year for training of nurses?

Khan Sahib HAMIDUDDIN AHMAD: Thirty.

Mr. CHARU CHANDRA ROY: Is that the maximum number?

Khan Sahib HAMIDUDDIN AHMAD: Yes, maximum.

Deaths in Kasba and Burichang police-stations in Tippera.

*79. **Mr. MAQBUL HOSSAIN:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) the number of persons that died in each of the union of Kasba and Burichang police-stations in the district of Tippera from 1st May to 31st December, 1943, month by month; and

(ii) the number of deaths that took place within those two thanas of the said unions during the months of 1st May to 31st December, 1942, month by month?

(b) Will the Hon'ble Minister be pleased to state whether any record has been kept regarding death due to starvation?

(c) If so, will the Hon'ble Minister be pleased to state the number thereof from 1st May to 31st December, 1943?

(d) If no record has been kept, will the Hon'ble Minister be pleased to state the reasons thereof?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (a)(i) and (ii) Two separate statements are laid on the Library Table.

(b) No.

(c) Does not arise.

(d) The register of deaths prescribed under the Birth and Death Registration Act does not contain any such heading as "Starvation" among the specified causes of death. Moreover, no one except a qualified doctor can certify starvation to be the cause of death.

Post of Professor of Ophthalmic Surgery, Medical College, Calcutta.

(When Question No. 80 was called.)

Dr. NALINAKSHA SANYAL: Sir, it will take some time. If you are prepared to extend time for supplementary questions, then this question may be taken up

Mr. DEPUTY SPEAKER: Yes, two or three minutes.

*80. **Mr. SHAHED ALI:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state whether the post of the Professor of Ophthalmic Surgery, Calcutta Medical College, is going to be vacant soon?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) what steps he is going to take to fill up the vacancy;

(ii) whether there is a contemplation of appointing an I.M.S. officer to the post;

(iii) whether qualified persons with adequate foreign degrees and long experience in ophthalmological work of a high order and teaching experience in ophthalmology are available; and

(iv) whether the usual custom hitherto followed of temporarily filling up the vacancy by the best person from the senior visiting staff of the Eye Hospital is going to be adopted pending the permanent appointment by open advertisement?

(c) Will the Hon'ble Minister be pleased to lay on the Table a comparative statement showing the academic qualifications, special work, hospital

experience and teaching experience in ophthalmology of the proposed I.M.S. officer and the senior visiting officers who are working in the Eye Hospital at present?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) The post fell vacant on the 18th May, 1944.

(*b*) (*i*) and (*ii*) The post is reserved for a British member of the Indian Medical Service under the "Reserved Post" Rules relating to that Service. Captain Somerset, I.M.S., has accordingly been appointed thereto.

(*iii*) and (*iv*) Do not arise.

(*c*) A statement is laid on the Library Table.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this post has specifically been reserved for British Member of the Indian Medical Service or the number has only been reserved in the total number of reserved posts in the Medical College and elsewhere?

Khan Sahib HAMIDUDDIN AHMAD: This post has specifically been reserved for the British Member of the Medical Service.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that for a number of months this post was held by an eminent Surgeon—a Muslim Surgeon?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that compared to the qualifications and popularity of that Indian Surgeon, the qualifications and popularity and efficiency in work of Captain Somerset are comparatively poorer?

Khan Sahib HAMIDUDDIN AHMAD: It is a question of opinion whether one is more popular or less popular.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what special Ophthalmic qualifications and experience Captain Somerset had and what length of experience he possessed in the art?

Khan Sahib HAMIDUDDIN AHMAD: I have nothing further to add to my answer (*c*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to the statement laid on the Library Table that the length of experience of this Surgeon is not stated therein?

Khan Sahib HAMIDUDDIN AHMAD: Yes, length of service is given there.

Mr. DEPUTY SPEAKER: Questions over. The Bengal Finance Bill, 1944.

GOVERNMENT BILL.

The Bengal Finance Bill, 1944.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Deputy Speaker, I beg to introduce the Bengal Finance Bill, 1944.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Deputy Speaker, I beg to move that the Bengal Finance Bill, 1944, be taken into consideration.

As has been explained in the Statement of Objects and Reasons the object of this Bill is to extend, up to the 31st March, 1948, the operation of the enhanced rates, introduced by the Bengal Finance Act, 1943, in respect of the following taxes:—

(1) Entertainments Tax, leviable under section 3 of the Bengal Amusement Tax Act, 1922 (Bengal Act V of 1922);
(2) Totalisator Tax, leviable under section 15 of that Act;
(3) Betting Tax, leviable under section 18 of that Act; and
(4) Electricity Duty, leviable under section 3 of the Bengal Electricity Duty Act, 1935 (Bengal Act X of 1935).

It will be recalled that the Bengal Finance Act, 1943, was enacted by the Governor during the period of operation of section 93 of the Government of India Act in this province between the 31st of March and the 24th of April, 1943.

In terms of sub-section (4) of section 93 of the Government of India Act, 1935, the Bengal Finance Act, 1943, will cease to have effect on the expiry of two years from the date of termination of the section 93 period. In other words, the enhanced rates introduced by that Act will, unless re-enacted by the Legislature, cease to be effective after the 24th April, 1945.

The House is well aware that the disparity between our expenditure and revenue has assumed colossal dimensions as a result of the acute food shortage and its aftermath which we have had to attack on four different fronts corresponding to the four budget heads of Famine, Civil Supplies, Agriculture and Public Health. We have had to approach the Centre time and again for large-scale financial assistance to enable us to carry on. It will be readily appreciated that in these circumstances there can be no question of our giving up the additional revenue which is being brought in by the Bengal Finance Act, 1943. It is proposed therefore to continue the provisions of the existing Act till the 31st of March, 1948.

Sir, I commend my motion for acceptance by the House.

Dr. NALINAKSHA SANYAL: Sir, before the Bill may be proceeded with, may I rise on a point of order and invite your attention to the circulated Bill which we have been favoured with particularly to page 2 of which the marginal note against clause 2 refers to Bengal Act X of 1935? Sir, I find that is not consistent with the contents of the clause. It is something different. Sir, I also find that against clause 3 the marginal note refers to Bengal Act V of 1935. That refers to an entirely different measure, namely, the Bengal Alluvial Land (Amendment) Act of 1935. In the circumstances I submit that we the members have not been supplied with correct copies of draft Bill and in the circumstances I would respectfully submit that there has been an infringement of the rules of the Assembly and as the requisite notice for this is not in possession of members, the Bill may be held over till correct copies are supplied.

Mr. DEPUTY SPEAKER: Those are in the marginal notes. The Bill is all right.

Dr. NALINAKSHA SANYAL: There are certain misdirections in the notes which I tried to find out.

Mr. DEPUTY SPEAKER: You leave that.

Dr. NALINAKSHA SANYAL: How can I leave that? The Bill is there.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I admit that there is a printing mistake in the marginal note against clause 2. It ought to read as Bengal Act V of 1922, but that can be corrected. It is a printing mistake which has unfortunately crept in and I apologise for the fact that this had escaped my notice.

Dr. NALINAKSHA SANYAL: What about clause 3? It is stated there "Bengal Act V of 1935" which is Bengal Alluvial Lands (Amendment) Act of 1935.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It should be Act X. I made no mistake in referring to the relevant Acts in my own speech. In the printing I am afraid there has been a mistake. Even the Bengal Government Press which is known for its high standard of work is capable of occasional mistakes. (Dr. NALINAKSHA SANYAL: It may be a mistake on the part of Government draftsmen!) I submit, Sir, that this can be corrected under the rules.

Dr. NALINAKSHA SANYAL: Let the Chair give its ruling.

Mr. DEPUTY SPEAKER: That can be corrected. We shall now take up the amendments. Yes, Mr. Datta.

Mr. DHIRENDRA NATH DATTA: Mr. Deputy Speaker, Sir, I beg to move that the Bengal Finance Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 31st March, 1945.

Sir, the object of the Bill is to impose further taxation in respect of the Bengal Amusements Act and the Bengal Electricity Act of 1935.

Mr. Deputy Speaker, Sir, I should not be misunderstood so far as the Amusement Tax is concerned. I am in favour of the increment, but I am opposed to the increment on different grounds. We cannot support this Government for the purpose of imposing any taxation. It is clear, Sir, that the taxation has been necessary because this Government has been spending lavishly on account of the war. It is quite certain, Sir, that the tax which will be imposed will not be spent for the improvement of the nation-building departments. If Government can give a guarantee that the tax will be raised for the Bengal Electricity Duty as well as for the Bengal Amusements Duty not on account of the war but that the money that will be obtained will be spent on nation-building departments, I can support this Bill. But as Government will not be prepared to give any guarantee that the money will be spent on nation-building departments and as this money will be spent for war purposes, I oppose this Bill. On these grounds, Sir, I move this amendment that the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st March, 1945.

Sir, I have got another ground. This Government is not a popular Government; it does not represent the people of Bengal. As it is not a popular Government and it does not represent the people of Bengal, I am opposed to any taxation measure sponsored by this Government. On this ground also, Sir, I move this amendment that the Bill be circulated for the purpose of eliciting public opinion thereon.

Dr. NALINAKSHA SANYAL: Sir, in rising to support the motion moved by my Deputy Leader for circulating the Bill with a view to elicit public opinion thereon by the 31st March, 1945, I have to invite the attention of the House to certain very important matters that ought to have been examined before a taxation measure of this type was placed on the legislative anvil.

The first thing that I invite your attention to is the fact that this taxation was introduced at a time when the Governor of Bengal assumed powers under section 93 of the Government of India Act, and this Bill had never had the sanction of this Legislature at any time far less the approval of the public outside. It is therefore meet and proper that this Bill ought to be passed after due consideration by the House and due examination of the implications of the various measures by the public outside. It will be noticed, Sir, that assent to this Bill was given by the Governor on the 15th April, 1943—I mean the Bengal Finance Act, 1943—to which this Bill seeks to give a longer life, and, Sir, the Legislature ought to be given

greater opportunity than is sought to be given to it by merely trying to give an extension of time to the measure, because we have to examine the implication of the various clauses of the Bill.

My second reason for supporting the motion for circulation for eliciting public opinion thereon is that the public of Bengal generally and this House in particular have a right to know the real state of affairs regarding the financial position of the province and the Legislature also has a right to demand a full picture about the expenditure and revenue of the province at this stage when we are going to be saddled with additional taxation. I have never heard of a taxation measure being assented to by the Legislature without any materials before it regarding the difficulties and deficiences of public funds and revenues. The present Government takes many things as assumed and here they have assumed that the province will be thrown into bankruptcy if arrangement is not made to provide Government with funds. But it is up to them to make out a case by actual facts and figures showing whether it has not been possible for them and it will not be possible for them in the near future to adjust the expenses of the province within the revenues otherwise leviable without recourse to this present measure of taxation. Therefore, Sir as these figures have not been made available, it is meet and proper that this Bill should be circulated for eliciting public opinion thereon.

We must also know the commitments of the present Government. If this Bill is going to be operative for some number of years in future, it is not merely the present state of affairs or finances but also the probable implications of the present Government's action on the future financial position of the province, have also got to be placed for examination before the Legislature.

In the third place, Sir, I submit that this measure was originally intended deliberately to have a short life of two years. That short life of 2 years was provided for with a deliberate intention of not going beyond the limited period of emergent expenditure and, Sir, that emergency may be still continuing But we are not in a position to know how during that emergency the financial position of this province has been handled in a manner that would justify further continuance of the taxes that are covered by the present measure. The limitation of two years was also to enable the Legislature and the country to examine and review the position after that period afresh regarding the financial condition as well as the burden of the measure. The one particular thing which every Legislature wants to know in connection with a taxation measure is what has been the yield of the taxes and what has been the expenditure involved in collecting the tax, or in other words, we want to know whether these taxes are being collected at an abnormal expenditure and whether this is really leaving a good surplus or not. We want to find out whether it is worth going in for that taxation. Government have not cared to acquaint this House with any of these facts, not even to show what total revenue they expect in future, what they had got actually in the past and what expenditures are involved in collecting the taxes. There is also, Sir, the question of what effect these taxes have or will have on the industries and on the business that are covered by these measures. We would like to know from Government definitely whether they have any statement prepared regarding the effect of these taxes on the various subjects of taxation, namely, betting, cinema and other amusements and electricity development in the province. In the meantime we have noticed that while Government have denied this House any information on these lines which, I submit, and I hope the House will agree to a man, would be essential to enable us to examine this measure, various defects in the administration of the funds given to the Government during the period of emergency out of this taxation and otherwise have been revealed. In the Audit Report covering the period 1942-43 it is stated (it is not my observation; it is the observation of the Accountant-General, Bengal) that the "Food Grains Purchasing Office was created in January, 1943, under

the Directorate of Civil Supplies, Bengal. A total amount of Rs. 50 lakhs was drawn from the office of the Accountant-General, Bengal, to the end of March, 1943, and credited to the Personal Ledger Account opened in the name of the Food Grains Purchasing Officer for the purchase of rice and paddy. The sale-proceeds of the stocks acquired were also credited to that account. According to the records of the Food Grains Purchasing Officer the total receipt into the Personal Ledger Account up to the end of March, 1943, was Rs. 1,19·40 lakhs and the total expenditure up to the same date was Rs. 74·90 lakhs".

Although the instructions of Government were that monthly accounts of the expenditure should be duly rendered to the Accountant-General, no detailed accounts with vouchers for the months up to March, 1943, were received from the Food Grains Purchasing Officer. Only an abstract account of receipts and expenditure for the period ending the 31st March, 1943, was received in June, 1943. A local audit of the Food Grains Purchasing Officer's initial accounts up to March, 1943, however, revealed *inter alia* the following points:—

(*i*) Purchases of rice and paddy up to the 17th February, 1943, were made through selected agents at prices within a range fixed by the Directorate. With effect from the 18th February, 1943, the system of purchase through agents was abolished and the Food Grains Purchasing Officer was authorised to make purchases from the trade as a whole at such prices as he considered fair and reasonable. Under neither of these systems were any competitive tenders invited. It could not be verified from the records that purchases had in all cases been made at the lowest rates obtainable at the time.

(*ii*) No adequate and comprehensive accounts were kept of the stocks purchased and issued during the period under consideration. Such initial records as were actually found to have been maintained were not well kept and did not indicate accurately the actual stock positions at any given date.

(*iii*) Issues out of the stock were made to "Priority concerns" like the Bengal Chamber of Commerce, Government offices, industrial concerns, etc., as well as to approved markets and controlled shops. But it could not be ascertained whether the quantities issued to the "Priority concerns" were not, in any case, in excess of their requirements and whether all the stores were distributed among the ultimate consumers by the concerns without any profits by any intermediate agency."

Mr. DEPUTY SPEAKER: The members have got the books. You please refer only to the pages.

Dr. NALINAKSHA SANYAL: You are assuming that members are assiduous. Sir, the controlling authority considered it unnecessary to exercise any supervision in these cases, as it was felt that "these bodies could be trusted not to indulge in profiteering or other malpractices".

Similar observations have also been made in regard to the Civil Defence scheme and some other items under Extraordinary Charges and what has been the result? We find that the credit of Bengal with the Government of India has gone extremely low and we are faced with a very serious situation. The Public Accounts Committee of the Government of India have recently sat and examined the various accounts including the Bengal Government's position vis-a-vis the Government of India's advances. They have recorded their views. I will only give a few extracts from there. They say, "We recognise also that essential war measures couldnot and cannot possibly be held up for want of budget provision, but we would, nevertheless, sound a note of warning against the danger of the continuance of a tendency to take the approval of the

Legislature for granted which might possibly outlive the urgency of the times which gave birth to it. What we desire is not that any really urgent measure should be held up for fear of infringing, what may be regarded as the fundamental principles of financial control, but that Government Departments should not be allowed to use the pretext of the war for obtaining sanction in the middle of the year to expenditure which is not really urgent and which can very well wait for inclusion in the normal course, in the budget when it can be discussed by the Assembly. On general principle, we view with disfavour the presentation of large supplementary demands, because this amounts almost to the Assembly being forced to endorse, *ex-post facto*, decisions already taken and to sanction expenditure already incurred, by the Executive without consultation with them."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Those criticisms were made with regard to the Government of India.

Dr. NALINAKSHA SANYAL: Those very criticisms equally apply to your expenditure as well. Such observations were also made on the floor of this House during the last supplementary budget discussion. You will also notice that similar statements were made in the Report of the Public Accounts Committee relating to affairs of this Province. The Committee recorded: "We note with interest the departure from tradition which the opening of the appropriation head, 'Capital outlay on schemes connected with the war' has brought into prominence". This also applies enqually to a similar head in this province. "We understand that since the beginning of the war Government have embarked upon a number of activities in the nature of State trading in which large sums of money are expended on purchase and then recovered by sale. Following tradition and the practice which was followed in the last war the debits and credits on this account would have been taken to suspense. Instead, these transactions are now accounted for within the capital accounts. The procedure of financing these activities through a suspense head has the disadvantage of enabling the Executive to continue over a series of years to spend large sums of public money without so much as bringing the matter to the notice of the Legislature or the Committee on Public Accounts. These bodies learn of it only when the activity has ceased, a loss has been incurred and a vote has to be taken for debit to revenue. They might never learn of it at all if the activity has resulted in a profit. In any case that stage is obviously too late for the Legislature or the Committee to offer criticism of any kind and they have virtually no alternative but to vote the money which has already been spent. Such a procedure is contrary to the fundamental tenets of constitutional practice".

They further go on to say: "We should like, however, one modification in the form in which these accounts are exhibited in the Appropriation Accounts". This relates to Government of India accounts; so I will not trouble you on that account.

They state later: "There are two substantial items of expenditure with the state of the accounts of which we are far from satisfied. The first relates to the grants made to provinces for expenditure on War Publicity with regard to which Audit has been having the greatest difficulty in getting its requirements satisfied. We are concerned that the accounts of so large an item of expenditure are on so unsatisfactory a basis". Sir, Mr. Narendra Narayan Chakravarty is smiling: he has reasons for smiling. (Mr. NARENDRA NARAYAN CHAKRAVARTY: Yes, you understand them best.) I won't take any notice of it.

So far as these items are concerned, the second item specifically refers to Bengal herself. The Committee goes on to observe: "It is, however, the expenditure in Bengal on the denial policy and other similar measures which has caused us the greatest misgiving. We understand

that there has been great difficulty in getting any kind of accounts at all for this expenditure and such as have been produced do not satisfy the standards of Audit". How shameful the position is with regard to the handling of accounts in Bengal is revealed through this, I believe, very clearly. They further go on to say: "We do not see any excuse whatever for such neglect of elementary financial precautions as we are told prevailed in this matter in Bengal and which is one of the causes for it now being difficult for any adequate accounts to be produced. All that we desire at present is that the Auditor-General should investigate fully into the facts of the situation and present to us a report with regard to the entire Central expenditure in Bengal which is now held in suspense. At the same time, however, we feel it our duty to place on record our view that if this further investigation reveals that the control of the Bengal Government was, through negligence, so lax as to give rise to serious doubts as to whether the money was actually spent on the purposes for which it was meant, we shall hold ourselves at liberty to recommend that the Central Government should not accept debits which do not satisfy the reasonable demands of Audit". This is a very serious threat which makes us feel rather unhappy over the entire administration of the Finance Department of the Government of Bengal which has sponsored this measure of taxation.

Sir, further, as I have already stated earlier, the implication of this taxation on various industries and on the objects of taxation has also not been properly understood.

Sir, I would in this connection deal mainly with the electric supply industry and the effects thereon of the proposed levy of electricity duty. The electricity duties, the imposition or continuation or enhancement of which have now been sponsored through this measure—this question is intimately linked up with the question of the Government policy regarding electricity development in Bengal. On the one hand, we have been told that Government is contemplating nationalisation and cheap supply of electricity. On the other hand, we are now experiencing measures of levying taxes on electricity which otherwise would have been available cheap. We would like to know exactly what the Government's position is in that respect. I would very much like the Hon'ble Minister in charge of Commerce and Labour to be present here, but he has left the Chamber significantly.

Sir, we had been told nearly seven years ago that the Government's policy was a policy of nationalisation of electricity undertakings in this province; and this policy was not only announced on the floor of the House, but following that announcement the Government had appointed a committee of experts, Messrs. Mertz and McLellan, who were called upon to report on the terms of reference on the steps which are nacessary——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: On a point of order, Sir. Is this relevant to the subject-matter under discussion? Can he raise the whole policy of Government?

Dr. NALINAKSHA SANYAL: I am surprised that a parliamentarian of some reputation raises this issue on a Finance Bill.

Mr. DEPUTY SPEAKER: Order, order. I have been giving full attention to his speech. Up till now he is not irrelevant.

Dr. NALINAKSHA SANYAL: The first term of reference of the expert committee was that it was required to consider and make recommendations with details of technical administrative proposals and the steps which were necessary to implement the Government's decision to nationalise electrical undertaking and develop the province's electrical system. That was the decision taken. Announcement was made on the

floor of this House and a committee was appointed in 1941, and it reported in March, 1942. In the month of December, 1944, however, we are yet not aware of what intentions Government have in giving effect to that declared policy of Government. And, Sir, on the other hand, we find that there was certain report in the newspapers published early in November which go to show that Government has been trying to shelve the important question of nationalisation altogether, at least with regard to one big or rather the biggest electrical undertaking in the province, namely, the Calcutta Electric Supply Corporation. I would request through you, Sir, the members of the Government Party who wax eloquent over their policy of standing for Public Utility concerns being transferred to the State and who had also given vociferous support to the policy of nationalisation, to realise how the position now stands with regard to that declared policy of Government in regard to the biggest European managed and British financed company.

Sir, the Government of Bengal appears to have come to a decision in that regard on 12th October, 1944. The Bengal Council of Ministers with the Governor presiding on that day decided as follows.

The complete undertaking of the Calcutta Electric Supply Corporation be transferred to Government in October, 1958, and not on the earliest date of 1948, when the first right to exercise that option of purchase would accrue. If option is not exercised in 1958, further options will occur not at short intervals, but at intervals of ten years, and the period of notice will be in each case three years. At the present moment the Electricity Act provides for two years' notice only and the agreement with the Calcutta Electric Supply Corporation requires the Calcutta Corporation to give only one year's notice, but now the benevolent Government is increasing the period of notice to three years.

The second point decided by the Council of Ministers supported by the Progressive Muslim League Party in the House was that the purchase price should be based on actual expenditure less depreciation as proposed by Messrs. Martz and McLellan and not on the basis of any actual valuation. I am not in a position to know the exact details because the valuation proposals referred to by Messrs. Mertz and McLellan are not available to us It is a secret document, at least kept secret from the Legislature and probably from the members of Government Party who are so vociferously supporting Government measures. It may be that this is in the interest of the province; it may not be so, but I cannot understand why a proper valuation should not be made independently by Government.

The third point decided was that the terms and conditions of all future capital to be raised was to be subject to approval by the Provincial Government.

The fourth was that the machinery for revision of the standard tariff was to be set up by the Provincial Government.

The fifth was that the expenditure on capital account exceeding £5,000 on any single item during the period of notice was to be subject to approval by the Provincial Government.

The sixth item was that there should be a scheme for training Indians to hold at least 50 per cent. of superior posts by the time of transfer which was to be introduced by the Calcutta Electric Supply Corporation. Sir, it is interesting to note in this connection that although this was one of the points pressed not only by the departmental Secretary, but also by certain other experts the Council of Ministers in their wisdom stated that this need not be a term in the revised agreement; it may be left to the company to respect, if they so like.

Khan Bahadur MOHAMMED ALI: Is there no time-limit? Can he go on *ad infinitum*?

Mr. DEPUTY SPEAKER: I know that, but the difficulty is that there is a motion in this House to limit the time. The rules certainly prescribe the time-limit.

Khan Bahadur MOHAMMED ALI: He cannot go on speaking *ad infinitum* for hours together.

Mr. DEPUTY SPEAKER: Dr. Sanyal, your time is up.

Dr. NALINAKSHA SANYAL: If I am talking anything irrelevant, you can stop me.

Khan bahadur MOHAMMED ALI: He quoted several passages *in extenso* from a book and wasted the time of the House and the members.

Dr. NALINAKSHA SANYAL: Curiously enough this decision was based on the note of the Secretary of the Commerce Department, which, I presume from certain evidence that is there in the note itself, was prepared in consultation with the Electricity Commissioner of the Government of India and also the Secretary of the Finance Department.

(The House was at this stage adjourned for 15 minutes.)

(*After adjournment.*)

Mr. DEPUTY SPEAKER: Dr. Sanyal, I would remind you that there are other important Bills, particularly the Members' Salary Bill. You have already taken half an hour.

Dr. NALINAKSHA SANYAL: I will only require another 45 minutes.

Mr. DEPUTY SPEAKER: I hope you will be as brief as possible.

Dr. NALINAKSHA SANYAL: I will go up to 7 o'clock.

Mr. FAZLUR RAHMAN: Sir, in view of the statement of Dr. Sanyal that he will take another 45 minutes, is he justified in wasting the time of the House?

Khan Bahadur MOHAMMED ALI: May I know whether he has obtained your permission to exceed the 15 minutes time-limit fixed by rule 41?

Mr. DEPUTY SPEAKER: That does not relate to Bills. I have allowed him an extra time as there are no more speakers on this motion.

Dr. NALINAKSHA SANYAL: Sir, before I proceed, may I humbly submit to you that the observation made by the Chief Whip of Government that I have been responsible for wasting the time of the House should not have been allowed. I hope, Sir, you will not allow such observations which throw motives on the members of this House. Sir, if the member is so impatient, he is perfectly at liberty to go and sleep and snore and enjoy himself in a cinema hall. We are true representatives of the people and we are serving the people by our study of things, and we do not want to waste the time of the House in any way.

I do not know why the Government supporters are so impatient, but, Sir, I shall explain how the attitude of Government regarding electricity undertakings shows that either the Government have been callously indifferent towards the avowed policy of nationalisation of electrical undertakings in the province, or they have been deliberately and dishonestly handling the situation in a manner that was deluding the public in the belief that some time or other the Government of Bengal was going to possess and operate the electrical undertakings like the Calcutta Electric Supply Corporation. The decisions of the Council of Ministers, dated the 12th October, 1944, were somehow or other given

publicity to in a press-note that was published on the 4th November, in the *Amrita Bazar Patrika*. Thereafter, we noticed that a rejoinder was sent by the Government on the 5th November, which was published in which the Government had announced that the Government of Bengal have been considering the question of consolidation of the electrical licences of the Calcutta Electric Supply Corporation. They took the plea that because the Calcutta Electric Supply Corporation's present undertakings are covered by 14 licences, dated differently, and out of which some have the option to be terminated in 1948, and the last is not to be terminable before 1980, therefore, Government was trying to negotiate with the Company to have an earlier date than 1980, and they claimed this to be in the public interest, as they viewed it. Sir, the public must know what Government are going to do actually with regard to the various electrical undertakings. The Government of Bengal either deliberately kept back from the public, the actual character of the various undertakings covered by the Calcutta Electric Supply Corporation's licences, or were themselves ignorant——

Mr. FAZLUR RAHMAN: Sir, he is going into the merits of the question. He is not speaking in favour of circulating this motion for eliciting public opinion. He should make out a case why the motion should be circulated for eliciting public opinion thereon. He cannot at this stage enter into the question of merit. It is not a question of reference of the Bill to a Select Committee in which case he could have spoken on the question of principle underlying the Bill, and he might have gone into the question of merit.

Dr. NALINAKSHA SANYAL: Sir, my time is going to be taken away in this manner. I, therefore, submit that I shall require more time than was expected.

Mr. DEPUTY SPEAKER: Order, order. I hold that Dr. Sanyal is relevant up till now. He is not irrelevant.

Dr. NALINAKSHA SANYAL: The Calcutta Electric Supply Corporation's undertakings are covered by 14 licences, it is true. But, Sir, a mere look at the map (here the member shows the map) which I place before the House for their study will show the areas that are supposed to be covered by each of the several licences and the actual area that is likely to be covered, if the Government exercise their option in 1948, and thereafter. (After showing a map). The red mark here shows the whole area. As you find the red coloured zone is the area that is likely to be taken over in 1948. This area comprises the whole of Calcutta, the whole of Tollygunge; and if you see another smaller map which I can show you (another map was shown), you will find that the city of Calcutta with all its surroundings are covered by the first licence of 1907, which is the Calcutta Electricity Licence; and if Government exercise their option in 1948, they would immediately get into possession of the entire undertakings covering not only Calcutta, but also Tollygunge and Southern Lake area, the entire Garden Reach, the South Suburban Municipality, as well as Cossipore, Dum Dum and the entire Baranagar area. This is the most paying area, and it is absurd to think that the Calcutta Electric Supply Corporation can exist, if this red marked area, as you will notice, is taken away from them, and the other areas are left over for their administration. This area also includes two of the biggest power stations of the Company.

It is regrettable, and I have to admit to my shame, to our shame, and to the shame of the Government of Bengal, that although the Electricity Act provides for termination of the licence at a particular date of every undertaking that is given licence of, when the Mulajore power station was set up by the Calcutta Electric Supply Corporation in 1938—that is the last one—there was no provision made therein for option to purchase the

undertaking at the expiry of some period. And, Sir, why was it done? It was done at the time when Mr. Gladding was the Finance Secretary of the Government of Bengal, and we find immediately thereafter Mr. Gladding was blessed with the position of Chairmanship of that undertaking in Calcutta. He retired before his due time of retirement and he became the Chairman of that Company. A greater misdemeanour on the part of a public servant one could never think of and contemplate. But the Europeans in Bengal are of a different moral standard. If this had happened in Great Britain, a person of that character would have been hounded out of public life, and the Company that was presided over by that person would have been tabooed in the public field and in the commercial world. And, what further is happening today? There are two European officers, one is the Electricity Commissioner of the Government of India, who has been handling this matter in a way on behalf of and as a guardian of the Government of India, and the other is Mr. Walker, the Finance Secretary. It is found, Sir, that in one of the notes referred to——

Khan Bahadur MOHAMMED ALI: Sir, is it relevant in a motion for eliciting public opinion?

Mr. DEPUTY SPEAKER: I think it is relevant.

Dr. NALINAKSHA SANYAL: In one of the notes—probably it is confidential, because it passes from one European officer to another European officer and I shall not mention to whom it is addressed—one of the officers writes that he was doubtful, if the European officers of the present Electric Supply Corporation would be prepared to work under Indian Ministers and Indian administration, and, therefore, that was one of the grounds for resisting the idea of Government taking over the administration——

Mr. A. F. STARK: Nonsense.

Dr. NALINAKSHA SANYAL: I will be able to produce the letter to put a stop finally to all this shout of "nonsense" if you like. Unfortunately you have not the courage to write such nonsense openly and plainly. Not only that: I here and now challenge anybody to deny that this Mr. Walker when he was District Magistrate of Chittagong wrote a note disapproving the settlement of khasmahal land to one of the Indian schools which wanted some land on the high land and turning down its request, because it was in the European quarters and there was a European officer's bungalow at the top.

Mr. DEPUTY SPEAKER: Order, order. That is not relevant.

Dr. NALINAKSHA SANYAL: But this gentleman is trying to be offensive. Let me tell Mr. Stark and his gang that the mischief that the European I.C.S. officers can do is more than what Indians can now tolerate.

Mr. DEPUTY SPEAKER: Order, order.

Dr. NALINAKSHA SANYAL: I was not prepared for this.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Dr. Sanyal should not be allowed to make all these allegations as the officer in question will have no opportunity of replying.

Dr. NALINAKSHA SANYAL: Let the Hon'ble Minister reply if he can.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is not my business.

Dr. NALINAKSHA SANYAL: You have heard of the Anti-Pegging Bill in South Africa. You have not heard of a similar Bill here. Yet, this officer, while he was District Magistrate of Chittagong, wrote on a file of the Government——

Mr. DEPUTY SPEAKER: Order, order.

Dr. NALINAKSHA SANYAL: No Indian should be given any land in European quarters.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I most emphatically protest against this.

Mr. DEPUTY SPEAKER: Order, order. All that is not relevant. I have allowed you sufficient time. I hope you will finish in another three minutes. I was almost definite that it would be possible to finish this Bill today. If I allow you to speak, we shall have to stay very long. I thought that you would take only 10 minutes more after the prayer adjournment.

Dr. NALINAKSHA SANYAL: I told you that I would take up to 7 o'clock.

Mr. DEPUTY SPEAKER: I cannot allow you so much time.

Dr. NALINAKSHA SANYAL: This is a very important Bill. I have only touched electricity so far. I submit that the Bengal Government has in this matter signally failed to stand by their own pledge, to stand by the declared intention to the people of Bengal and that they have been siding with big business for interests very difficult to understand.

With regard to the electricity undertaking again, I will not use any materials that I have in my possession as a member of the Electricity Sub-Committee of the Post-war Reconstruction Committee, because I am afraid that these are not yet made available to the members of this House. Materials that I have from the Calcutta Corporation in this connection go to show that the Bengal Government not only do not seek to help the nationalisation of this undertaking, but on the contrary they have also prevented the Corporation of Calcutta from exercising their rightful claim to have the undertaking municipalised in case the Government failed to carry out their own declaration of nationalisation and I suppose that the Government will not be playing the same old game as they played in regard to the acquisition of the Calcutta Tramways by the Corporation.

The question of limitation of the life of electricity undertakings also involves the question of reduction of electricity charges and also of standardisation of rates and tariffs. These two are in my humble opinion essential pre-requisites of any attempt to levy electricity duty and I shall leave that particular measure of taxation at that. We shall seek other opportunities for improving upon the measures if available.

With regard to other measures of taxation, I would invite your attention in particular to the amusements tax and to the betting tax which are being levied mainly and largely in the city of Calcutta, the proceeds whereof the Calcuta Corporation can very rightly claim to be a reasonable revenue for themselves. I would like this Bill to be circulated for public opinion also on the ground that an opportunity should be given to the people of Bengal and citizens of Calcutta in particular to make out their case as to the claim that they may have on the Government regarding the amount which has been levied and collected.

(At this stage the red lamp was lit.)

Mr. DEPUTY SPEAKER: Your time is up.

Dr. NALINAKSHA SANYAL: I would require ten minutes more.

Mr. DEPUTY SPEAKER: I am sorry I cannot allow you more time.

Dr. NALINAKSHA SANYAL: I have got other points. Out of respect for you, I want only five minutes.

Mr. DEPUTY SPEAKER: Dr. Sanyal, please take your seat. I am sorry, I cannot allow you more time.

Dr. NALINAKSHA SANYAL: Is that your ruling?

Mr. DEPUTY SPEAKER: You have made a fine speech. Please sit down.

Dr. NALINAKSHA SANYAL: Shall I be given another opportunity to speak after another motion has been moved.

Mr. DEPUTY SPEAKER: Yes.

Sir HENRY BIRKMYRE, Bart.: We support the consideration of this Bill and we can see no reason whatsoever for circulation or reference to Select Committee of a Bill which is merely the continuance of existing legislation. The position is quite clear. The province needs and must have money. We do not like increased taxation. In existing circumstances the province cannot afford to relinquish any existing source of revenue. We regard this as emergency taxation and we expect it to be removed as soon as the state of emergency ceases to exist. One point to which I feel, I must draw attention, is the linking of the electricity duty with the betting and amusement taxes. Electricity is not a luxury and the provision of cheap electricity is a matter of vital importance to the public. We would welcome an assurance from Government that they will not regard the electricity duty either now or in the future as a luxury tax. Before I leave the question of electricity, I would like to refer very briefly to the attack made on my Deputy Leader. It was as contemptible as the attack made on an officer of Government with which the Hon'ble Minister dealt with very promptly and effectively. I propose to leave the attack on my Deputy Leader to receive the ignominy which it deserves of silent contempt.

There is one other point to which I would like to draw the attention of the House. I refer to the increased activities of the bucket shops. Since the enhancement of the betting tax, these activities represent a very considerable loss of revenue to Government, and I would urge most strongly that much more stringent measures be taken immediately against bucket shops to put a stop to this leakage.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Deputy Speaker, before I proceed to reply briefly to the discussion of the motion before the House, I would ask your permission to take up just one minute, or perhaps half a minute, of the time of the House to refer to a matter which was raised earlier in the evening. I want to inform the House that in the *Calcutta Gazette, Extraordinary*, dated October, 28, 1944, in which this Bill was published, the marginal notes were correctly printed. I regret that errors have crept in the printed copies which were circulated to the honourable members. The corrections can easily be made under the Rules of the House by the Secretary of the Legislative Assembly.

Sir, since you have, in spite of our protests, ruled that the speech of my honourable friend, Dr. Sanyal, was relevant to the motion before the House, I am precluded from raising the question of relevancy. At the same time I find very little in that long speech to which I feel called upon to make a reply in connection with the Bill before the House. The Bill before the House does not seek to introduce any new measure

of taxation. It aims at continuing the old enhanced rates in respect of certain taxes, and we have chosen a period of three years as roughly the period during which the emergency will probably continue.

Dr. NALINAKSHA SANYAL: Who was responsible for the old Act?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have told the House that the old Act was a Governor's Act, but, Sir, the fact that it was a Governor's Act does not make it necessarily a bad Act. It was a measure which was necessitated by the financial condition of the Government of Bengal at that time and the financial condition of the Government of Bengal has deteriorated since.

I may point out, Sir, that in repeatedly seeking assistance from the Centre, we should be prepared to show to the Government of India that we are doing our best to collect as much money as possible within the province. And in collecting these taxes, I do not think, we have been causing great harassment to the public. Now, let us take the Entertainments Tax, the Totalisator Tax and the Betting Tax. They affect only a fraction of the people It may be contended that the Entertainments Tax touches a large number of people, but, Sir, it was our experience even during the worst days of the famine last year that every cinema house and every show was full.

Dr. NALINAKSHA SANYAL: Yes, due to blacketiers and war profiteers.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: But the four-anna seats were not occupied by profiteers.

As regards electricity duty, I entirely agree that it should be the object of Government to ensure the supply of cheap power. That, Sir, is not possible under the present circumstances. The honourable member, Dr. Sanyal, referred to the question of electrification of Bengal and so on. He said he had had access to the minutes of a Cabinet meeting— —

Dr. NALINAKSHA SANYAL: I have not said that. I quoted certain decisions. If you are in a position to contradict that please do it.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the fact is that the whole question is still under the consideration of the Government of Bengal. I do not wish to go further into that because final decisions have not yet been taken. I think that will satisfy the House for the present.

Sir, I do not think I need say anything more because I do not see any valid reason why a simple measure, easily understood, should be sent out for eliciting public opinion thereon.

The motion of Mr. Dhirendra Nath Datta by way of amendment that the Bengal Finance Bill, 1944, be circulated for the purpose of eliciting public opinion thereon by the 31st March, 1945, was then put and lost.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move, by way of amendment, that the Bengal Finance Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of Finance Department
(2) Dr. Nalinaksha Sanyal,
(3) Rai Bahadur Jogesh Chandra Sen,
(4) Mr. Maqbul Hossain,
(5) Mr. Jonab Ali Majumdar,
(6) Mr. Nishitha Nath Kundu,
(7) Mr. Charu Chandra Roy,
(8) Mr. Upendra Nath Barman,
(9) Babu Kshetra Nath Singha,

(10) Mr. Ahmed Ali Mridha, and
(11) Mr. Dhirendra Nath Datta (the mover),

with instructions to submit their report by the 31st March, 1945, and that the quorum of the Select Committee be fixed at five.

Mr. Deputy Speaker, Sir, this is a taxation measure and it should be considered in the Select Committee in all its details before it comes to the Legislative Assembly for sanction

Dr. NALINAKSHA SANYAL: Sir, I support this motion. I am not moving my motion now but I am supporting this motion.

Mr. DEPUTY SPEAKER: Dr. Sanyal, please move your motion first.

Dr. NALINAKSHA SANYAL: How can I do that, Sir? Will you kindly give me sufficient time?

Mr. DEPUTY SPEAKER: Certainly you will get your time as admissible under the rules.

Dr. NALINAKSHA SANYAL: I do not want to quarrel with your decision, Sir. If you do not allow me time it is no use speaking on this now. If you give me time——.

Mr. DEPUTY SPEAKER: Then Mr. Sanyal's motion was there. He has not moved.

Dr. NALINAKSHA SANYAL: He was not here and the question does arise. I rise to support Mr. Datta's motion.

Mr. DEPUTY SPEAKER: It is not necessary at this stage because your motion is there.

Dr. NALINAKSHA SANYAL: I will certainly move my motion. My position is that I will get two 15 minutes' time and if you will give me 30 minutes I will move my motion.

Mr. DEPUTY SPEAKER: That will be given. You come to your motion.

Dr. NALINAKSHA SANYAL: Sir, I beg to move by way of amendment that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. T. C. Goswami, Minister in charge, Finance Department,
(2) Khan Sahib Hamiduddin Ahmad,
(3) Dr. Abdul Motaleb Malik,
(4) Mr. Razaur Rahman Khan,
(5) Mr. Zahur Ahmed Chowdhury,
(6) Mr. Amrita Lal Mondal,
(7) Mr. D. Gladding,
(8) Mr. Upendra Nath Edbar,
(9) Mr. Syed Jalaluddin Hashemy,
(10) Mr. Syed Badrudujja,
(11) Maharaja Sris Chandra Nandy, of Cossimbazar,
(12) Mr. P. N. Banerji, and
(13) Mr. J. C. Gupta,

excluding myself, with instructions——

Khan Bahadur MOHAMMED ALI: On a point of order, Sir. The mover must be there in a motion for Select Committee.

Mr. DEPUTY SPEAKER: Is there any such rule?

Khan Bahadur MOHAMMED ALI: Yes, Sir, the mover of a motion for reference to a Select Committee must be named in the personnel.

Mr. DEPUTY SPEAKER: Khan Bahadur, can you show me the rule? I do not think there is any such rule.

Dr. NALINAKSHA SANYAL: Let him find out the rules; in the meantime I will proceed with my motion. Let him not waste the time of the House——.

with instructions to submit their report by 31st December, 1944, and that the quorum of the Select Committee be fixed at five.

Sir, with regard to this measure I had stated in connection with an earlier motion that the public of Bengal should have an opportunity to understand the implications and I prayed most humbly that the Bill be referred for eliciting public opinion thereon, but the House had in its wisdom decided otherwise. The only other opportunity for examining the provisions of the Bill and seeking to improve upon the present position lies with the Select Committee and therefore I claim that the Bill should be referred to a Select Committee. An important taxation measure like this which was passed under the authority of the Governor alone and not examined by this House clause by clause together with the implications thereof should at least be examined by a Select Committee of the House first before any attempt is made to pass such a legislation. Sir, I have to submit this still more because of certain measures that are proposed therein, in particular the imposition of a high electricity duty in the Bill which the Select Committee should be in a position to go through and study properly.

Sir, I want the Select Comimttee to examine the provisions, particularly because the duty that is sought to be imposed may in a very large measure stand in the way of the pursuing of the nationalisation policy in regard to the electricity undertaking. It was stated by Government that it was necessary in public interest to have the electricity undertakings of the Calcutta Electric Supply Corporation taken over only after consolidating the whole thing but even the technical experts that were appointed by Government stated in page 40 of their report that the division of the system should not give rise to insuperable difficulties. It was a technical opinion. The division of the system, as I have shown to you, will not only not give rise to difficulties but if the difficulties are actually following such division it would be not for the party that is taking over but for the party that is left with the remaining licences after 1948. The year 1948 gives opportunity to either the Calcutta Corporation or the Government to exercise the option of purchase of the entire undertaking covering Calcutta, Tollygunge, Ballygunge, South Suburban Municipality, Garden Reach, Cossipore and Baranagore, and this is the most paying of the whole undertaking. If this part is taken over, the whole scheme of the Calcutta Electric Supply Corporation must automatically come to the party that has control over this, and this is in public interest. It was demonstrated by the engineers of the Calcutta Corporation that in case this is taken over they could supply electricity so cheap as only one anna per unit for the citizens of Calcutta. You had been then a member of the Corporation.

Mr. DEPUTY SPEAKER: You say that this should be done by the Select Committee.

Dr. NALINAKSHA SANYAL: You know, Sir, the nature of our operations in this House and the amount of time, energy and study that are bestowed on measures of very important public interest in the motley crowd of the Assembly here. It should be examined by a body of men who have more time and leisure and who can apply themselves to this problem. The committee that was appointed by Government also gave an alternative and that alternative is very suggestive. These two British experts gave

as an alternative that the Corporation might enter into an agreement under which no purchase options would be exercised before a specific date on which date the Electric Supply Corporation would, if so required, transfer the complete undertaking to the Board at a price to be settled at the time of purchase on a basis clearly defined in the agreement. They were also of opinion that the best policy would be to proceed on the lines of the second alternative, although they themselves admitted that no insuperable difficulties would arise if there was dismemberment, yet for reasons best known to themselves they thought that it would be better for the Government to open negotiations. I understand that the Government of Bengal has thought fit to accept the second alternative and not pursue the first.

Sir, these and similar measures lead us to think that there is something happening behind the screen which should be properly examined by a Select Committee. Sir, there was a sub-committee on electricity in the Post-war Reconstruction Committee. I will not refer to materials made available there, but I will refer to the fact that available materials of this character were not placed before that committee also and that committee had to record in its report that unfortunately the Government did not think fit to place at its disposal all the materials necessary to come to such decisions. They had to deal with such materials as were made available. Sir, the public of Bengal will have no more opportunity to judge the action of the present Ministry in this regard. Let us hope that the Select Committee at least will have an opportunity to do the same.

The other important matter which the Select Committee should go into is as regards the scope and the manner of levying the taxes. The Finance Minister has stated, as was observed by some highly placed British administrators before him, that the cinema houses of Calcutta were full in spite of the fact that there was famine stalking the country. Sir, I do not know if he has ever cared to study who compose the personnel there. If he cared to examine it, it would not be difficult for him to find out that it was surely not the famished and famine-stricken people that go there; it was the racketeers and war profiteers and those special favourites who have during the war prospered and have become known as the class of people who are doing essential service. You will find, Sir, in most of the cinemas special provision is made for allowing military personnel—either certain shows are reserved for them or a number of seats are set apart for them. You will also see in many of the houses there are regular arrangements made for contractors to entertain the bosses whom they want to please for obtaining some opportunity to profiteer during the war. My friend Mr. Atul Chandra Kumar who has special experience in this sort of thing says that some girls or women are also sometimes taken to entertain them, but I am not an expert on that.

Khan Bahadur MOHAMMED ALI: You mean Kumaris!

Dr. NALINAKSHA SANYAL: Mr. Kumar may know whether it is Kumars or Kumaris! (Laughter.) That is more than I can say.

Khan Bahadur MOHAMMED ALI: That is not a compliment to Mr. Kumar.

Dr. NALINAKSHA SANYAL: Military contractors and certain other foreigners are even exempt from the operations of this amusement tax. You know, Sir, that we made a complaint that the Government of Bengal have been much too liberal in allowing exemptions. Certain entertainment houses set up with some objective have been exempted from the operations of the Amusement Tax. The Government of Bengal should through a Select Committee try to study and find out whether such exemptions should be permitted and continued. Before the Amusement Tax is renewed, it should be seen whether the tax exemption can be so modified or regulated

that all persons who seek entertainment at a time when a large number of people of Bengal are suffering through the maladministration of the present Government are made to pay this tax. Government at present are not only exacting the tax but also exempting a certain section for reasons best known to themselves.

In the matter of the Sales Tax also, Government in exercise of the power of exemption have been continuing to issue separate exemption notes which by this time have been probably a volume. If, Sir, Government are really so much in a bad way in their finances, I do not know why such large exemptions should be provided. The Select Committee should, in my humble opinion, examine this aspect of the question as well.

There are also other lacunæ in the measure, the details of which cannot be studied properly through examination of the clauses here. I would invite your attention to some of the amendments proposed, and it will be seen that some of the amendments are such that an examination of the suggestions contained in those amendments can only be made in a Select Committee and in a way they might be construed to fall beyond the scope of the present draft, although respectable and honourable members have sought to include such amendments in course of the debate. They might invite the attention of Government to these very important matters. I shall not mention their names; otherwise you might be inclined to disallow some of these amendments. The lacunæ are many, and the curing of these lacunæ may be possible only if the Bill goes to a Select Committee. I therefore respectfully submit that the Bill be referred to a Select Committee; and in selecting the Select Committee the nominees and personnel that I have suggested would make my friend, the Chief Whip of Government happy, because I have studiously avoided my humble self who might be creating some trouble in his opinion, and I have taken a very large majority of members of his party with good record of being peaceful and helpful members. I have also taken in the Select Committee Mr. Gladding who is sure to be a useful member so far as Government are concerned. I hope Government will have no hesitation in accepting my amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I will just say one or two words which I had reserved for this occasion. As a matter of fact, there was a Select Committee of the House on the Bengal Finance Bill in 1943.

Dr. NALINAKSHA SANYAL: That was a different Bill.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No, it was not a different Bill. The Select Committee had reported on it, but, owing to the intervention of the section 93 period, the Legislature could not give effect to the recommendations of the Select Committee. The Governor's Act was based on the recommendations of the Select Committee on the Bengal Finance Bill of 1943; so that the Governor's Act was for all practical purposes an Act of this Legislature.

The motion of Mr. Dhirendra Nath Datta that the Bengal Finance Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge,
(2) Dr. Nalinaksha Sanyal,
(3) Rai Bahadur Jogesh Chandra Sen,
(4) Mr. Maqbul Hossain,
(5) Mr. Jonab Ali Majumdar,
(6) Mr. Nishitha Nath Kundu,
(7) Mr. Charu Chandra Roy,
(8) Mr. Upendra Nath Barman,
(9) Mr. Ahmed Ali Mridha,
(10) Babu Kshetra Nath Singha, and
(11) Mr. Dhirendra Nath Datta (the mover),

with instructions to submit their report by 31st March, 1945, and that the quorum of the Select Committee be fixed at five, was then put and a division claimed by Dr. Nalinaksha Sanyal.

(When the division bell was ringing.)

Mr. DEPUTY SPEAKER: Dr. Sanyal, are you serious?

Dr. NALINAKSHA SANYAL: Yes, Sir. I am serious. But if you give us an assurance that the House will be adjourned after this I won't press for a division. Otherwise if you want to take up the clauses I want a division.

Mr. FAZLUR RAHMAN: On a point of order, Sir. On the admission of Dr. Sanyal himself, it is an abuse of the procedure of this House, and I would request you to disallow it, because he says that if you adjourn the House he will not press for a division. That shows that it is an abuse of the procedure of the House, and he wants to waste the time of the House.

Dr. NALINAKSHA SANYAL: I am only proposing a compromise.

Mr. DEPUTY SPEAKER: Dr. Sanyal, please do not tie up my hands. I think you would like to withdraw your claim for a division.

Dr. NALINAKSHA SANYAL: Sir, I bow down to your suggestion.

The motion of Mr. Dhirendra Nath Datta that the Bengal Finance Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge, Finance Department,
(2) Dr. Nalinaksha Sanyal,
(3) Rai Bahadur Jogesh Chandra Sen,
(4) Mr. Maqbul Hossain,
(5) Mr. Jonab Ali Majumdar,
(6) Mr. Nishitha Nath Kundu,
(7) Mr. Charu Chandra Roy,
(8) Mr. Upendra Nath Barman,
(9) Babu Kshetra Nath Singha,
(10) Mr. Ahmed Ali Mridha, and
(11) Mr. Dhirendra Nath Datta (the mover),

with instructions to submit their report by 31st March, 1945, and that the quorum of the Select Committee be fixed at five was then put and lost.

The motion of Dr. Nalinaksha Sanyal that the Bengal Finance Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. T. C. Goswami, Minister in charge, Finance Department,
(2) Khan Sahib Hamiduddin Ahmad,
(3) Dr. Abdul Motaleb Malik,
(4) Mr. Razaur Rahman Khan,
(5) Mr. Zahur Ahmad Chowdhury,
(6) Mr. Amrita Lal Mandal,
(7) Mr. D. Gladding,
(8) Mr. Upendra Nath Edbar,
(9) Mr. Syed Jalaluddin Hashmey,
(10) Mr. Syed Badruddija,
(11) Maharaja Srischandra Nandy, of Cossimbazar,
(12) Mr. P. N. Banerjee, and
(13) Mr. J. C. Gupta,

with instructions to submit their report by 31st December, 1944, and that the quorum of the Select Committee be fixed at five was then put and lost.

The motion of the Hon'ble Mr. Tulsi Chandra Goswami that the Bengal Finance Bill, 1944, be taken into consideration was then put and agreed to.

Mr. DEPUTY SPEAKER: Amendment No. 10 has been disallowed.

Dr. NALINAKSHA SANYAL: May we suggest that its examination be held over till the next day because I submit that there may be some necessity for examination of this point——

Mr. DEPUTY SPEAKER: It has been disallowed by the Governor.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Because it proposes the alienation of provincial revenue.

Dr. NALINAKSHA SANYAL: There must be some misconception somewhere. Will you kindly permit us to obtain the consent of the Mayor of Calcutta?

Mr. DEPUTY SPEAKER: The Mayor came to me and I pointed out that it had been disallowed.

Dr. NALINAKSHA SANYAL: I want to know whether it has been disallowed by the Speaker or the Governor.

Mr. DEPUTY SPEAKER: By the Governor.

Dr. NALINAKSHA SANYAL: If it has been disallowed by the Governor we would like to represent to the Governor. If you give us an opportunity, we shall take it up tomorrow.

Mr. DEPUTY SPEAKER: It has already been disallowed.

Dr. NALINAKSHA SANYAL: I would like to suggest that so far as consideration of this clause is concerned, it may be held over till the next day. It is now 7-15 p.m We have practically finished.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is not a question *samjouing* the Governor.

Dr. NALINAKSHA SANYAL: It is not possible to *samjou* the Governor probably because the Governor means the Council of Ministers.

Rai HARENDRA NATH CHAUDHURI: It is already too dark.

Mr. DEPUTY SPEAKER: Sir Nazimuddin, what have you to say to that?

The Hon'ble Khwaja Sir NAZIMUDDIN: The arrangement was that we should sit till 7-30 p.m.

Dr. NALINAKSHA SANYAL: Arrangement with whom? We never had any arrangement.

The Hon'ble Khwaja Sir NAZIMUDDIN: We usually sit for three hours without taking into consideration the two adjournments.

Dr. NALINAKSHA SANYAL: I most respectfully submit that we shall be only too glad if the Hon'ble Chief Minister sticks to this decision during the budget debate.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have never objected to the Assembly sitting for three hours irrespective of the adjournment during the budget session.

Dr. NALINAKSHA SANYAL: So far as today's debate is concerned, there has been no agreement. We know nothing about it. However, I do appreciate this concession which the Chief Whip of the Government at least was never agreeable to in the past. But I know that the Hon'ble Sir Nazimuddin is more liberal than that. We appreciate the same.

Mr. DEPUTY SPEAKER: Are you on a point of order?

Dr. NALINAKSHA SANYAL: Yes. The rules provide that consideration——

Mr. CHARU CHANDRA ROY: Sir, I submit——

Mr. DEPUTY SPEAKER: Let Dr. Sanyal finish his point of order.

Dr. NALINAKSHA SANYAL: Rule 52 says that on the day on which any such motion is made or on any subsequent day to which the discussion is postponed, the principles of the Bill and its general provisions may be discussed; that is to say, it relates to the motion of introduction and with regard to the subsequent stages, the period of notice of amendments under sub-rule (2) of rule 52 shall be ten days. So, there should be 10 days' notice required unless of course you give them the privilege of proceeding with the further stages of the Bill on the same day.

Mr. DEPUTY SPEAKER: It is no use wasting the time of the House. You know very well that the Speaker has the power to allow it.

Dr. NALINAKSHA SANYAL: Mr. Speaker is not here. As you are presiding, I am asking you, is it fair to go through all the three stages in one sitting?

Mr. DEPUTY SPEAKER: Yes, I have allowed that.

Mr. CHARU CHANDRA ROY: On a point of privilege, Sir. There was no such arrangement with anybody whatsoever. We did not agree to sit up to 7-30 p.m.

Mr. DEPUTY SPEAKER: This has been the arrangement so far. We usually sit for three hours. There are two adjournments of 15 minutes each. So, we sit till 7-30 p.m.

Dr. NALINAKSHA SANYAL: May I rise on a personal explanation?

Mr. DEPUTY SPEAKER: No explanation is necessary.

Dr. NALINAKSHA SANYAL: My name has been mentioned. I may submit to you and through you to Mr. Roy that I was never a party to any agreement with the Hon'ble Chief Minister or anybody regarding this. I only welcome the idea of sitting up to 7-30 p.m. if the Hon'ble Chief Minister is prepared to, that is, for three hours excluding the prayer time interval.

Mr. DEPUTY SPEAKER: You have already stated that.

Khan Bahadur Haji BADI AHMED CHOUDHURY: Sir, I beg to move that in clause 1(3), line 2, for the figures "1948" the figures "1946" be substituted.

আমি এ প্রস্তাবটী কেন করিতেছি এই সম্বন্ধে দুই-একটী কথা আপনাদের নিকট নিবেদন করিতেছি। এই বিলের এই যে একটী provision আইন সভায় হইতেছে; তাহা হয় তো চিরস্থায়ীভাবে করা হউক; অথবা অনির্দ্দিষ্ট সময়ের জন্য করা হউক। না হইলে পাঁচ বৎসরের কোন মানে আমি বুঝিতে পারিতেছি না। যদি বলা হয় যুদ্ধের দরুণ এই টাকা দেওয়া দরকার, তাহা হইলে তাহার সম্বন্ধে বলি এই যুদ্ধ পাঁচ বৎসর থাকা সম্পূর্ণ অসম্ভব। যুদ্ধের যে গতি ফিরিয়া গিয়াছে, তাহাতে আমার মনে হয় এই বৎসর নিশ্চয়ই এই যুদ্ধের অবসান হইবে। এখন এই দরকার যে বর্ত্তমান যুদ্ধের জন্য বর্ম্মা রণাঙ্গনে যে অস্ত্র-শস্ত্র ও সৈন্য আছে তাহার উপর আরও কিছু সাহায্য দেওয়া হইলে অতি সত্বর বর্ম্মা নিশ্চয়ই সন্তোষজনক অবস্থায় আসিয়া যাইবে। এই অবস্থায় যদি এই যুদ্ধের দিনে এই টাকার দরকার হয়, তাহা হইলে অন্ততঃ দুই বৎসরের জন্য এই আইনটী করা হউক। যদি আরও দরকার হয় পরে দুই বৎসর আরও বৃদ্ধি করা হইবে। আমি আশা করি দুই বৎসরের জন্য এই আইনটী প্রণয়ন করা হউক। সুতরাং আমার এই সংশোধনী প্রস্তাব গ্রহণ করিতে মন্ত্রি মহোদয়কে অনুরোধ করিতেছি।

Dr. NALINAKSHA SANYAL: Sir, may I rise to support this motion?

Mr. DEPUTY SPEAKER: You have got your own motion. You move that motion first.

Dr. NALINAKSHA SANYAL: That relates to another matter.

Mr. DEPUTY SPEAKER: All the motions should be moved first: that is the general practice.

Dr. NALINAKSHA SANYAL: Sir, the position is that Khan Bahadur Haji Badi Ahmed Choudhury suggests one year and I——

Mr. DEPUTY SPEAKER: Well, that may be the question of one year and yours of another year. I would request you to do one thing: you move your motion first and then make a speech.

Dr. NALINAKSHA SANYAL: It may be difficult for me to move and speak on the two amendments at the same breath because one motion relates to one year and another motion relates to another year.

Mr. DEPUTY SPEAKER: No, no. You move your motion.

Dr. NALINAKSHA SANYAL: All right, Sir. I beg to move that in clause 1(3), line 2, for the figures "1948" the figures "1947" be substituted

Sir, I have some special reason to choose this figure "1947" instead of "1946" or any other year. But before I take up my figure 1947, I welcome 1946 also and say a few words in support of Khan Bahadur Haji Badi Ahmed Choudhury in that respect.

Sir, the year 1946 would keep this tax alive for one year only and that year 1946 would be the year when we presume that the Allied Powers would completely rout their enemies and will reconquer Burma and will have the flag of Indian independence——

Mr. DEPUTY SPEAKER: Dr. Sanyal, you are repeating only Khan Bahadur's arguments.

Dr. NALINAKSHA SANYAL: Sir, I am talking of India's independence in the year 1946 The sooner we win this war, the sooner we have the termination of this obnoxious measure of taxation. I believe the European Group also is anxious that the war comes to an end early—I do not know whether all of them are anxious because some of them are earning huge profits, but probably some of them are anxious. We are hoping—although some of us did hope that this Christmas would see the end of the war. Of course, before the last Christmas some of us thought that we would enjoy our Christmas in Rangoon, even though that has not been possible for reasons beyond our calculation,—I suppose the Allied Powers would surely enjoy the Christmas in Rangoon in 1945. My Deputy Leader thinks that victory would be achieved in 1944, but I think that it will take one more year, 1945, to complete the success of victory and there is no justification for us to go beyond 1946 Then there is another reason. In October, 1946, we shall have the first opportunity of giving notice to the Calcutta Electric Supply Corporation for exercising our option to purchase that undertaking.

Mr. DEPUTY SPEAKER: How is it relevant?

Dr. NALINAKSHA SANYAL: That is one of the measures. If you will purchase the undertaking, the policy of taxation will be entirely changed because you cannot tax your own property. If in 1946 Government decides to take over the Calcutta Electric Supply undertaking, as I hope it will, although even now at the present moment much wire-pulling is going on, I trust (Khan Bahadur MOHAMMED ALI: Electrified wire!) by 1946 we shall be in a position to know whether Government is definitely

exercising its option to purchase the Calcutta Electric Supply Corporation, and that is the time when an opportunity would come before us to review the present measure as to find out whether it would be necessary or justifiable to continue this measure of taxation after 1946. That is so far as electricity is concerned.

So far as the other items are concerned, namely, the betting and totalisator tax and amusement tax, a lot of changes are likely to take place during the next year and a half. We have experience of dog-racing coming in. That has for the time being, due to war conditions, been in abeyance. There may be racing as is really taking place by military lorries and other lorries in the streets of Calcutta and we may have to impose some kind of tax to prevent the mischief of such lorries.

Mr. DEPUTY SPEAKER: Dr. Sanyal, you are not relevant.

Dr. NALINAKSHA SANYAL: I respectfully submit that there were only the other day demonstrations in the maidan where various types of motor vehicles were demonstrated and their racing capacity was shown. I am not surprised——

Mr. DEPUTY SPEAKER: The House stands adjourned till 4 p.m. tomorrow.

Adjournment.

The House was then adjourned at 7-30 p.m. till 4 p.m. on Friday, the 8th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 8th December, 1944, at 4 p.m.

Present:

Mr. Deputy Speaker (Mr. SYED JALALUDDIN HASHEMY) in the Chair, 10 Hon'ble Ministers and 177 members.

STARRED QUESTIONS

(to which oral answers were given)

Burglaries in Calcutta.

***80A.** (SHORT-NOTICE.) **Mr. DHIRENDRA NATH SEN:** Is the Hon'ble Minister in charge of the Home Department aware—

(*a*) that the number of burglaries including daylight robberies in the locality bounded on the north by Park Street and on the south by Lower Circular Road has recently been continuously on the increase with attendant danger to lives and property of the inhabitants of the locality; and

(*b*) that cases of burglaries even by foreigners by overpowering durwans and servants at the point of firearms, have occurred recently in Calcutta, particularly in the locality referred to in (*a*)?

(*c*) If the answer to (*a*) or (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are the steps that he proposes to take to prevent recurrence of such occurrences in the city; and

(*ii*) whether he proposes to approach proper authorities to ensure that foreigners while off duty do not get any opportunity to carry firearms with them?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) There has been some increase in the number of burglaries in recent months, but the increase has not been great.

(*b*) No cases of overpowering durwans and servants have been reported from the area in question, but four cases of robbery by persons armed with revolvers have been reported from widely separated areas during the last four months.

(*c*) (*i*) and (*ii*) The closest liaison is maintained with all authorities concerned and such steps as are considered necessary by the Commissioner of Police have been taken.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please give us a comparative statement showing the number of burglaries for the 4 months and previous 4 months?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Bus service between Satkhira and Itindaghat.

***81. Mr. PATIRAM ROY:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the fact—

(*i*) that the bus route of Satkhira (Khulna) to Itindaghat (24-Parganas) is very important for the people of Khulna and 24-Parganas;

(*ii*) that the above route is the only way to Calcutta for a large number of people of Satkhira and Bashirhat subdivisions;

(*iii*) that in accordance with the order of the Collector the buses ply thrice a day at present;

(*iv*) that no bus is available from 12 noon to 5 p.m. at Itindaghat and from 11-30 a.m. to 3-30 p.m. at Satkhira; and

(*v*) that a considerable number of male and female passengers undergo much hardship?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking steps for increasing the trips of buses relaxing the order of the Collector?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*), (*ii*), (*iv*) and (*v*) Yes.

(*iii*) Not thrice but twice a day in 2 up and 3 down trips. The curtailment is due to Motor Spirit Rationing Scheme.

(*b*) Arrangements are being made (1) to run five trips a day in each direction between Itindaghat and Satkhira and six trips at week-ends, (2) to run two trips a day in each direction between Satkhira and Patkelghata, and (3) to reopen for the cold weather the Satkhira-Khulna and Satkhira-Kaliganj routes and to run one trip a day each way on each route.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state when public may expect that this new arrangement will come into force?

Khan Bahadur MOHAMMED ALI: The District Magistrate has already taken up the matter and it is expected that the new arrangement will come into force as soon as possible.

Hospital arrangement in Tamluk Sub-jail.

*82. **Babu RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) whether there is any hospital arrangement in the Tamluk Sub-jail; and

(*ii*) whether there is any separate arrangement for medical treatment and medical diet for patient prisoners?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that there is only one tube-well for drinking water in the said jail;

(*ii*) that the said tube-well supplies drinking water to both inside and outside the jail;

(*iii*) that there is scarcity of drinking water for the prisoners inside the jail, where the number of prisoners is about 275;

(*iv*) that there is only one well in the said jail;

(*v*) that its water, which is impure, is meant for the purpose of bathing and cooking; and

(*vi*) that with that water food is being actually cooked?

(*c*) Is it a fact that there is no sufficient number of plates, dishes and blankets for the prisoners?

(*d*) If so, will the Hon'ble Minister be pleased to state how the demands of the prisoners for such articles are met?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) how many latrines are there; and

(*ii*) whether those are sufficient for prisoners?

(*f*) Is it a fact—

(*i*) that only two sweepers are kept there;

(*ii*) that there is no arrangement for washing and cleansing the floors where the prisoners lie;

(*iii*) that only one gallon of phenyle is supplied to wash and cleanse the latrines and drains; and

(*iv*) that postcards and letter-papers are not supplied in accordance with the Jail Rules?

(*g*) Is there a library in the said jail?

(*h*) If so, how many books are there?

(*i*) Is there any arrangement so that the prisoners can play indoor and outdoor games in accordance with Jail Rules?

(*j*) Is there any separate arrangement for classified prisoners?

(*k*) Is it a fact that no care is taken of the health of prisoners in the said sub-jail?

(*l*) Is it a fact that the weight of one Sj. Nilmony Hazra has been reduced by 45 lbs.?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) As this is a sub-jail there is no regular hospital arangement but prisoners suffering from minor ailments are kept separate from other prisoners and treated inside the jail by the subdivisional medical officer. These patients are also given proper medicine and diet as prescribed by the medical officer. In serious cases patients are sent to the local hospital under proper guards.

(*b*)(*i*) and (*iv*) Yes

(*ii*) Yes, it supplies water both for the prisoners and jail warders.

(*iii*) The present number of prisoners is not more than 90 and the Home Minister understands that there is no scarcity now.

(*v*) Its water is always kept fit for consumption; but generally it is not used for drinking purpose

(*vi*) No.

(*c*) and (*d*) There is no dearth now but during the middle of 1943, when the number of prisoners rose up very high, these articles fell short of the actual requirements and above a month taken to replenish the deficit.

(*e*) There are ten permanent latrines and during the emergency of 1943 another eight temporary latrines were constructed to meet the demand.

(*f*)(*i*) Two whole-time and one convict sweepers are maintained for the jail.

(*ii*) to (*iv*), (*g*) and (*k*) No.

(*h*) Does not arise.

(*i*) There is arrangement for the prisoners of this jail to play "Ha-do-do" in the open space of the jail. Those who like may also play cards at their own cost at spare time.

(*j*) Except the undertrials, who are kept separate from convicts, no classified prisoner was admitted to this jail for the last three years. But if any such prisoner is ever admitted separate arrangement is possible for him.

(*l*) The Home Minister understands that this prisoner had gone on hungerstrike for 2 weeks and as a result his weight had been considerably reduced for some time but he has now gained in weight in excess of his original weight.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us when this question was received?

Khan Bahadur MOHAMMED ALI: About the 20th of March 1944.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what is the capacity of this sub-jail at Tamluk?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what is the maximum number of prisoners admitted into the jail in the year 1943

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether any arrangement for nursing prisoners in jail is made?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House who are those nurses?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state, in view of the reply previously given that these jails are overcrowded, how patients can be accommodated inside the jail separate from other prisoners?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the detailed reply given about the arrangements made.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether nurses from outside are taken within the jail for nursing these prisoners?

Khan Bahadur MOHAMMED ALI: I ask for notice. I am not sure about it.

Health and family allowance of Babu Jagat Bandhu Saha Roy.

***83. Rai Sahib MONOMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that the security prisoner Babu Jagat Bandhu Saha Roy (H.M.B.), recently transferred to the Presidency Jail from Mymensingh, has been suffering for a long time from slow fever with diarrhoea and other complaints;

(*ii*) that his health has been greatly reduced and general weight has decreased by 25 lbs. by this time;

(*iii*) that no proper arrangement has yet been done for his treatment and diet;

(*iv*) that his approximate monthly income was Rs.80;

(*v*) that he had to maintain his old parents and a widow of his deceased brother who solely depended upon his income; and

(*vi*) that he has been allowed family allowance of Rs.30 per month?

(*b*) If the answers to (*a*)(*i*) to (*iii*) are in the affirmative, is the Hon'ble Minister considering the desirability of releasing him unconditionally in view of the condition of his health?

(*c*) If the answer to (*b*) is in the negative, do the Government consider the desirability of increasing his family allowance to Rs.80 at least per month?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*ii*) The prisoner's complaints were properly attended to while in the Presidency Jail and on recovery he has been transferred to the Dum Dum Central Jail.

(*iii*) Does not arise.

(*iv*) to (*vi*) The Home Minister's information is that the prisoner was earning Rs. 30 per month before his arrest and he used to contribute Rs. 15 per month for the maintenance of the family on which it partly depended.

A family allowance of Rs.20 per month was originally granted to the security prisoner which was enhanced to Rs.30 per month and now as his elder brother is reported to have lost his job the allowance has been again enhanced to Rs.45 per month on compassionate ground till his brother is re-employed.

(*b*) and (*c*) Do not arise

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state who supplied this information that he used to earn Rs. 30 per month and used to contribute Rs. 15 per month for the maintenance of his family?

Khan Bahadur MOHAMMED ALI: The report was received from the District Authorities.

Mr. NISHITHA NATH KUNDU: From whom the District Authority received this information?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: With reference to question (*a*) (*ii*), will the Hon'ble Minister be pleased to state the present weight of the security prisoner?

Khan Bahadur MOHAMMED ALI: I cannot state that, but I may state that his weight at the present moment is stationary. I am speaking for September. The report received in September shows that his weight now is stationary.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether he has gained the weight he lost?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Transfer of Sadar Subdivisional Officer, Birbhum.

*84. **Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the reason why Mr. B. K. Lahiri, the Sadar Subdivisional Officer of Birbhum, had been transferred to Siliguri by wire; and

(*ii*) whether any complaint was made to the Government by any Muslim organisation or the Muslim community to the effect that the said Subdivisional Officer did not supply extra quantity of sugar to them during *Ramzan* or any such ceremony?

(*b*) If the answer to (*a*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any enquiry was made as to its correctness?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) For administrative reason.

(*ii*) Yes.

(*b*) On an enquiry the complaint was found to be groundless.

Mr. CHARU CHANDRA ROY: As the Government have found on enquiry that the complaint is groundless, will the Hon'ble Minister be pleased to state whether Mr. Lahiri will be brought back to Birbhum again?

Khan Bahadur MOHAMMED ALI: I have already said that the transfer was made for administrative reason, and not because of any complaint filed against him.

Arrest of Babu Sisir Kumar Bose.

*85. **Mr. ATUL CHANDRA KUMAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) when and where Babu Sisir Kumar Bose, son of Sj. Sarat Chandra Bose, was arrested;

(*ii*) when the house of Sj. Sarat Chandra Bose (Bar.-at-Law, M.L.A.), was searched;

(*iii*) what objectionable literature or articles were found;

(*iv*) under what rule and under whose order the arrest was made; and

(*v*) whether it is a fact that Babu Sisir Kumar Bose was taken to Police Office for interrogations?

(*b*) If the answer to (*a*)(*i*) is in the affirmative, will the Hon'ble Minister be pleased to state under whose order he was taken to Police Office after his arrest?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): The action regarding the arrest, interrogation and transfer out of Bengal of Mr. Sisir Kumar Bose was taken at the instance of the Government of India. I must in the public interest decline to furnish any further details.

Mr. ATUL CHANDRA KUMAR: Is it a fact that while Mr. Sisir Kumar Bose was going to attend his class in the Medical College in the morning, he was arrested in Lee Road at the instance of the Government of India by an officer of the Bengal Government?

Khan Bahadur MOHAMMED ALI: I have already stated that action was taken under the direction of the Government of India.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that on the 13th November, 1944, the Home Member in reply to a question in the Central Assembly stated that no students were detained under the orders of the Government of India?

Khan Bahadur MOHAMMED ALI: This Government is not responsible for the statement made by the Government of India at another place.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether the attention of the Government of Bengal has been drawn to the reply given by the Home Member in the Central Assembly?

Khan Bahadur MOHAMMED ALI: I am not aware of that.

Mr. ATUL CHANDRA KUMAR: Is it a fact that the Hon'ble Ministers and the Parliamentary Secretaries are supplied with newspapers free of cost to take note of all these proceedings?

Khan Bahadur MOHAMMED ALI: How does that question arise?

Mr. ATUL CHANDRA KUMAR: It does arise.

Mr. DEPUTY SPEAKER: What is your question? You put your question first.

Mr. ATUL CHANDRA KUMAR: My first question was as to whether the attention of the Government of Bengal has been drawn to the reply given by the Home Member in the Central Assembly published in the *Amrita Bazar Patrika* of the 14th November that no student was detained under the orders of the Government of India. Mr. Sisir Kumar Bose was a student of the Medical College and he was arrested.

Mr. DEPUTY SPEAKER: Your question is whether attention of the Government of Bengal has been drawn or not?

Mr. ATUL CHANDRA KUMAR: Yes.

Khan Bahadur MOHAMMED ALI: That has been answered, Sir.

Mr. ATUL CHANDRA KUMAR: My next question is whether it is a fact that the Hon'ble Ministers and Parliamentary Secretaries are supplied with newspapers at the cost of Government to take note of all these proceedings of the Central Assembly?

Mr. DEPUTY SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell the House under what section Mr. Sisir Kumar Bose was arrested?

Khan Bahadur MOHAMMED ALI: He was arrested under the Defence of India Rules under the instruction of the Government of India.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether before his arrest there was any correspondence between the Government of Bengal and the Government of India?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to all my replies given to the question regarding the arrest of Maulana Md. Mamruzzaman Islamabadi.

Mr. ATUL CHANDRA KUMAR: Is it a fact that after his arrest at 8 a.m. at Lee Road, Mr. Sisir Kumar Bose was taken to Police custody in Elysium Row for interrogations?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that at 1 o'clock Mr. Sisir Kumar Bose returned to Woodburn Park and the house of Mr. Sarat Chandra Bose, his father, was searched?

Khan Bahadur MOHAMMED ALI: He was arrested on 17th October, 1944, and was detained in the custody of the Deputy Inspector-General, Intelligence Branch and thereafter sent to Lahore.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if it is a fact that the house of Mr. Sarat Bose was searched at 1 o'clock on the 17th October?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if it is a fact that only one book was found from the old library of Mr. Sarat Chandra Bose in which the name of Mr. Sarat Chandra Bose was written and no objectionable literature or article was found from Mr. Sisir Kumar Bose or from his belongings?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA KUMAR: Will the Honble Minister be pleased to state whether it is a fact that he was detained in a Bengal Jail under the care of the Bengal Government at the instance of the Government of India?

Khan Bahadur MOHAMMED ALI: I have already stated that he was detained in the custody of the Deputy Inspector-General, Intelligence Branch, from 17th October, 1944, to 18th October, 1944, on which date he was sent outside Bengal to Lahore.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether the Government of Bengal is considering to recommend the Government of India to keep Mr. Sisir Kumar Bose along with his father, Mr. Sarat Chandra Bose?

Khan Bahadur MOHAMMED ALI: The responsibility for arrest and detention of both of these prisoners is Government of India's and the matter may be referred to the Government of India by the honourable member.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether it is in pursuance of the policy of securing release or at any rate repatriation of Mr. Sarat Chandra Bose that his son has been arrested by the Bengal Government?

Khan Bahadur MOHAMMED ALI: I have made it clear that he was not arrested by the Government of Bengal. He was arrested under the instruction of the Government of India, and the responsibility for the arrest and detention of Mr. Bose is the Government of India's.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether any information or instruction was asked for by the Government of India from the Government of Bengal before the arrest of Mr. Sisir Kumar Bose?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the Government of India consulted the Government of Bengal about the arrest of Mr. Sisir Kumar Bose before he had been arrested?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be be pleased to state whether the Government of Bengal think it advisable to elicit information from the Government of India about the arrest and detention of Mr. Sisir Kumar Bose?

Khan Bahadur MOHAMMED ALI: That is not considered necessary.

Mr. CHARU CHANDRA ROY: With reference to the answer "That is not necessary" will the Hon'ble Minister be pleased to state whether the Government of Bengal is ready to ask the India Government about bringing Mr. Sisir Kumar Bose to Bengal or to ask the Government of India to release him?

Khan Bahadur MOHAMMED ALI: The responsibility is the Government of India's. This Government has no responsibility in the matter of either arrest or detention.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether the Bengal Government is ready to ask the India Government to send Mr. Sisir Kumar Bose to Bengal?

Mr. DEPUTY SPEAKER: You have already asked that question.

Khan Bahadur MOHAMMED ALI: Sir, I have already answered it.

Mr. CHARU CHANDRA ROY: Sir, the answer has not been given. It is not a question of responsibility. The question is whether the Government of Bengal is willing to ask the India Government.

Khan Bahadur MOHAMMED ALI: Sir, I have said that the responsibility for his arrest and detention is the Government of India's, and, therefore, the question of release also may be agitated before the Government of India.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the Government of India directed the Bengal Government to get Mr. Sisir Kumar Bose arrested while he was going to attend the College?

Mr. DEPUTY SPEAKER: He has already answered that.

Mr. ATUL CHANDRA KUMAR: No, Sir, he has said everything is done at the instance of the Government of India. My question is whether the Government of India directed the Bengal Government to get him arrested by an officer of the Bengal Government on the way while he was going to attend his College.

Mr. DEPUTY SPEAKER: That is obvious.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how the Police of both the Bengal Government and the India Government came to know that objectionable literatures would be found in the house of Mr. Sisir Kumar Bose?

Khan Bahadur MOHAMMED ALI: That is no question at all.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether there is any bar in asking the Government of India to send Mr. Sisir Kumar Bose to Bengal or to release him?

Khan Bahadur MOHAMMED ALI: The question of bar does not arise. The responsibility is that of the Government of India.

Mr. SYED BADRUDDUJA: Will the Hon'ble Minister be pleased to state whether the Bengal Police arrested the particular young man or the Government of India Police?

Khan Bahadur MOHAMMED ALI: I have already answered that question.

Appointment of Assistant Section Holders in the Bengal Government Press.

*86. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) whether compositors and Assistant Section Holders in Bengal Government Press belong to different establishments;

(*ii*) whether nature of duties of these two classes of workers is different;

(*iii*) whether in Bengal Government Press posts of Assistant Section Holders have been filled up on previous occasion by compositors in permanent-piece establishment according to Communal Ratio Rules;

(*iv*) whether it is a fact—

(1) that recently 7 posts of Assistant Section Holders have been filled up by Caste Hindus,

(2) that the claim of Muslim and Scheduled Caste Hindu candidates has been ignored, and

(3) that Communal Ratio Rules have been violated?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking steps so that filling up of vacancies may be made according to Communal Ratio Rules?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): (*a*) (*i*) and (*ii*) Yes.

(*iii*) Vacancies in the post of Assistant Section Holders have always been filled by the appointment of compositors from the piece establishment. In reply to a reference whether such appointments are to be treated as promotion or direct recruitment, the Communal Ratio Officer has recently ruled that the appointment of a permanent piece-worker to a salaried post should be treated as promotion and not as direct recruitment.

The Communal Ratio Rules are therefore not applicable.

(*iv*) (1) Yes.

(2) and (3) No.

(*b*) and (*c*) Do not arise.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether the post of a piece-worker is a pensionable one?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I cannot say off-hand. As far as I remember, piece-workers get pensions to some system of calculation.

Dearness Allowance for Provincial and Subordinate Services.

*87. **Mr. HARIPADA CHATTOPADHYAY:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware—

(*i*) that a distinction has been made in the grant of minimum dearness allowance to Provincial Service holders and Subordinate Service holders;

(*ii*) that the minimum dearness allowance granted to an officer of a Subordinate Service is Rs.18 while that granted to an officer of a Provincial Service is Rs.30 in case of an unmarried one and Rs.50 in case of a married one; and

(*iii*) that under this scale a large number of officers of the Provincial Services drawing similar or even less pay than those in the Subordinate Services would get much more dearness allowance than the latter?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of removing this distinction?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: (*a*) (*i*) to (*iii*) Yes.

(*b*) No.

Mr. DHIRENDRA NATH DATTA: In view of answer (*iii*) in which it is stated that "under this scale a large number of officers of the Provincial Services drawing similar or even less pay than those in the Subordinate Services would get much more dearness allowance than the latter", will the Hon'ble Minister be pleased to state why the distinction is not sought to be removed?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I may explain that a distinction has always been drawn between the members of the Provincial Services and those of the Subordinate Services in consideration of the difference in the standards of living. We have followed the Government of India for the sake of uniformity.

Staff of the Food Department.

*88. **Rai Bahadur JOGESH CHANDRA SEN:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the number of posts created since the establishment of the Food Department—on different salary and grade up to 30th September, 1944;

(*b*) number of posts filled up by advertisement;

(*c*) who are the appointing authorities;

(*d*) number of (A) Muslims, (B) Hindus and (C) Scheduled Castes in each grade, and

(e) number of (A) Non-Indian and (B) Indians, holding posts carrying a salary of Rs.350 or over per month (showing number of appointment against each grade)?

Mr. ABDULLA-AL MAHMOOD (on behalf of the Hon'ble Mr. H. S. Suhrawardy): The information asked for is not readily available, and the time and labour involved in collecting it would not be commensurate with the value of the information to be obtained.

Recent flood in 24-Parganas.

*89. **Mr. HEM CHANDRA NASKER:** (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that a large number of villages in the 24-Parganas has been swept away by a recent flood; and

(ii) that heavy and extensive losses have been caused by the said flood to the new crops and other properties of the inhabitants of the affected areas?

(b) If the answer to (a) (i) is in the affirmative, will the Hon'ble Minister be pleased to state what steps are being taken to relieve the sufferers of the said areas?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukherjea): (a) (i) and (ii) Yes.

(b) (1) Rs.4,00,000 have so far been sanctioned for distribution as gratuitous relief in the flood-affected areas. Rice and other foodstuffs are being distributed to the distressed people from six relief centres.

(2) An expenditure of Rs.1,75,000 has been sanctioned for sinking 35 deep tube-wells in addition to that sunk by the District Board to tackle the problem of water-supply in the affected areas. The Chief Engineer, Public Health Department, has been asked to take up the work immediately.

(3) Arrangements have been made for regular supply of kerosene oil to the distressed people and fodder to the cattle.

(4) Veterinary Assistants have been deputed to the affected areas for prevention of cattle disease and the Health Department of the District Board are taking all necessary measures for sanitation.

(5) Steps have been taken for repair of the breaches in the embankments.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether Government has under contemplation any scheme to distribute cloth in the affected areas?

The Hon'ble Mr. TARAK NATH MUKERJEA: Arrangements have been made and it will very soon be done.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state how many people were affected by the flood there?

The Hon'ble Mr. TARAK NATH MUKERJEA: I would ask for notice.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state whether any arrangement has been made for the supply of quinine to those places affected by the flood?

The Hon'ble Mr. TARAK NATH MUKERJEA: The answer is in the affirmative.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state what is the amount of quinine distributed over there?

The Hon'ble Mr. TARAK NATH MUKERJEA: That is a matter concerning the Public Health Department.

Acquirement of undertakings of Calcutta Electric Supply Corporation by Government.

*90. **Rai Bahadur JOGESH CHANDRA SEN:** Will the Hon'ble Minister in charge of the Commerce Department be pleased to state—

(a) whether it is a fact that Government are not going to exercise the option of acquiring the undertakings of the Calcutta Electric Supply Corporation in 1948;

(b) if so, why; and

(c) on what condition the term is going to be extended?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (a) and (b) No, Sir. The position is as follows:—

The Government have been considering the question of the consolidation of the existing licences of the Calcutta Electric Supply Corporation, to be in a position to acquire the complete undertaking of the Corporation at a specified date. The existing licences mature for purchase at different dates—out of the 14 licences only five in 1948 and the last not till 1980. The purchase of the complete undertaking before the expiry of the last licence can be effected only by agreement between the Corporation and the Government. The questions arising out of the proposed purchase by the Government and the conditions of a possible agreement are being examined in all their aspects and no final decision as to the exercise of the next option of purchase has yet been reached.

(c) Does not arise.

Dr. NALINAKSHA SANYAL: With reference to the acquisition of the complete undertaking, will the Hon'ble Minister be pleased to state if Government have taken any expert opinion as to the feasibility of running the undertakings of Calcutta Electric Corporation in case the earlier licences are terminated and the property acquired covered by the same in 1948?

The Hon'ble Mr. K. SHAHABUDDIN: I have nothing further to add to my answer. The matter is under consideration and if Dr. Sanyal has got any points to suggest I shall be very happy to discuss with him.

Dr. NALINAKSHA SANYAL: With regard to the 14 licences referred to, will the Hon'ble Minister be pleased to state the names of each of these licences and the area covered by each?

The Hon'ble Mr. K. SHAHABUDDIN: Obviously, if he requires detailed information I would ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the 5 licences referred to which will mature in 1948 cover practically the whole of the city of Calcutta, Ballygunge, the South Suburban Municipality, the Cossipore and the Baranagore Municipalities and the Dum-Dum Municipality?

The Hon'ble Mr. K. SHAHABUDDIN: It might be so. Dr. Sanyal is giving information, and I am afraid I cannot vouch for the accuracy of the information without examining it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which licence or licences are referred to as expiring in the year 1980?

The Hon'ble Mr. K. SHAHABUDDIN: I am afraid the information is not readily available.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that it is only the Budge-Budge licence issued in 1935 for which option for termination will be available in 1980?

The Hon'ble Mr. K. SHAHABUDDIN: May be; as I have stated, there are 14 licences, 5 are maturing in 1948, 7 in 1958, one in 1970 and one in 1980.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which one will mature in 1980?

The Hon'ble Mr. K. SHAHABUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there is only one licence referring to the area covered by Budge-Budge entirely separate from the Calcutta Corporation which expires in, or for which the option to purchase will be available only in 1980?

Mr. DEPUTY SPEAKER: A reply to that question has already been given.

Dr. NALINAKSHA SANYAL: I have asked whether that particular information is correct or whether he is in a position to contradict it.

Mr. DEPUTY SPEAKER: What is your question?

Dr. NALINAKSHA SANYAL: Is it not a fact that the licence issued for the municipal area of Budge-Budge in the year 1935 which area covers an entirely separated area from the Calcutta and suburban area expire or for which the option to exercise purchase will be available in 1980?

The Hon'ble Mr. K. SHAHABUDDIN: I have already said that one of the licences is maturing in 1980. For detailed information I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what specified date is referred to in his answer where Government is supposed to be trying to obtain the complete undertaking by a specified date?

The Hon'ble Mr. K. SHAHABUDDIN: That is a matter under negotiation.

(At this stage the House was adjourned for fifteen minutes.)

(*After adjournment.*)

Dr. NALINAKSHA SANYAL: With reference to the answer regarding exercise of the option, will the Hon'ble Minister be pleased to state if Government have consulted any technical expert who is independent of Government employment or who is not a Britisher?

The Hon'ble Mr. K. SHAHABUDDIN: Government have consulted high status experts on the subject.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if amongst these high status experts there is any Indian?

The Hon'ble Mr. K. SHAHABUDDIN: It is a firm.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if that firm has got any Indian partner?

The Hon'ble Mr. K. SHAHABUDDIN: I am not aware.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in coming to the decision regarding the question of exercise of option Government will consult the Legislature

Mr. DEPUTY SPEAKER: How does that question arise?

Dr. NALINAKSHA SANYAL: The final decision has not yet been reached. So I ask, whether Government will consider the desirability of consulting the Legislature before coming to a final decision.

The Hon'ble Mr. K. SHAHABUDDIN: Government will follow the usual practice in such cases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government would consider the desirability of at least consulting the party supporting the Government?

The Hon'ble Mr. K. SHAHABUDDIN: I have nothing further to add to my reply.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what is the usual practice referred to by the Hon'ble Minister?

The Hon'ble Mr. K. SHAHABUDDIN: I take it that the honourable member is aware of it.

Mr. DHIRENDRA NATH DATTA: No, I am not aware. What is it?

The Hon'ble Mr. K. SHAHABUDDIN: Whatever that may be.

Dr. NALINAKSHA SANYAL: With regard to the complete undertaking referred to, does it include the Mulajore Power Station of the Electric Supply Corporation as well?

The Hon'ble Mr. K. SHAHABUDDIN: Yes, Sir

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in coming to any agreement regarding the purchase at a specified date Government is considering the desirability of putting down a specific condition of training up a suitable number of Indians to take over the work after the expiry of the period?

The Hon'ble Mr. K. SHAHABUDDIN: The matter is under consideration, and I would request the honourable member not to probe too much into the conditions at the present moment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if before coming to any decision in regard to further exercise of option Government is considering the desirability of preventing further expansion of this electricity undertaking?

The Hon'ble Mr. K. SHAHABUDDIN: Government is considering the question as a whole and is taking steps that any expansion or any other act will not prevent whatever settlement is arrived at.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with whom the question of settlement referred to is under negotiation?

The Hon'ble Mr. K. SHAHABUDDIN: Obviously with the Electric Supply Corporation.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Chairman of the Board of Directors of that Corporation (London Board) is shortly arriving in Calcutta?

The Hon'ble Mr. K. SHAHABUDDIN: Dr. Sanyal may be aware of it: I am not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if negotiations have been opened with the London Board direct or through the local agents?

The Hon'ble Mr. K. SHAHABUDDIN: Government are carrying on negotiations with the local agents.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government had addressed any letter or any communication to the local representative when he went to England about six weeks ago?

The Hon'ble Mr. K. SHAHABUDDIN: I have already stated that negotiations are going on and I have nothing further to add.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of placing the whole matter before party leaders of the Legislature at least, if not in the Legislature, before coming to a final settlement?

The Hon'ble Mr. K. SHAHABUDDIN: I have already said that Government will follow the usual practice in such cases.

Supply of sugarcane for sugar mills in Bengal.

*91. **Mr. I. A. CLARK:** (*a*) Is the Hon'ble Minister in charge of the Commerce, Labour and Industries Department aware of any apprehension that adequate supplies of sugarcane will not be available for sugar mills in Bengal this year owing to the high prices prevailing for *gur*?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that the Sugar Advisory Board recommended that, in view of the fact that before December sugarcane in Bengal does not generally attain maturity and that crushing of cane either by *gur* crushers or by sugar mills before that date gives a low recovery, both *gur* crushers and sugar mills should be prohibited from crushing any cane before 7th December; and

(*ii*) that Government rejected this recommendation?

(*c*) If so, will the Hon'ble Minister be pleased to state what are the reasons for the rejection by Government of this recommendation?

The Hon'ble Mr. K. SHAHABUDDIN: (*a*) and (*b*) Yes.

(*c*) Apart from the fact that in the absence of adequate machinery, it would be difficult to enforce, with any degree of success, a penal measure of the kind contemplated, it transpired after further investigation that while some of the varieties do not attain maturity before December, there are others which mature early and cane-growers have in fact harvested cane as early as September and October. It also transpired that there is a demand for *gur* and *gur* products in the *Puja* season which accounts for early crushing of cane for manufacture of *gur*. In the circumstances it was not considered expedient to disturb a practice, on the part of growers which has grown up over generations. Government are, however, contemplating a detailed enquiry into the matter for possible action to be taken next season, on the lines of the Board's recommendation.

Mr. I. A. CLARK: Will the Hon'ble Minister be pleased to state whether he is aware that the object of the Sugar Advisory Board in making the recommendation was to maximise the percentage of sugar to be obtained from cane for the benefit both of the *gur*-crushers, the sugar mills and the consuming public and not to penalise any one?

The Hon'ble Mr. K. SHAHABUDDIN: That was represented to Government.

Mr. I. A. CLARK: Will the Hon'ble Minister give the name of even one variety of sugarcane that attains maturity in the months of September and October?

The Hon'ble Mr. K. SHAHABUDDIN: I am not in a position to give him the name of that but I can assure the member that the Director of Agriculture and some others did tell us that they do mature and even if they do not mature fully they sufficiently mature to be crushed.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister know that if the sugarcane does not properly mature the sugar yield is reduced?

The Hon'ble Mr. K. SHAHABUDDIN: Certainly.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that the production of sugar mills in Bengal of sugar fell far short of the estimated assurances given last year in spite of Government's protection?

The Hon'ble Mr. K. SHAHABUDDIN: I submit, Sir, that this question does not arise out of this.

Mr. DEPUTY SPEAKER: What is your question Dr. Sanyal?

Dr. NALINAKSHA SANYAL: Is the Government aware that the production of sugar by the sugar mills of Bengal fell much short of the anticipated and assured production in spite of protection provided in the manner referred to in the question last year?

The Hon'ble Mr. K. SHAHABUDDIN: Does it arise, Sir?

Mr. DEPUTY SPEAKER: Yes, it does.

The Hon'ble Mr. K. SHAHABUDDIN: As far as my information goes the production did fall short of the estimate.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what proportion of the total sugarcane produced in the province is capable of being crushed by the mills situated within the province?

The Hon'ble Mr. K. SHAHABUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that hardly one-third of the production of sugarcane of Bengal can be crushed by sugar mills even though provided with suitable transport facilities?

The Hon'ble Mr. K. SHAHABUDDIN: These are matters of opinion.

Dr. NALINAKSHA SANYAL: No, matters of fact.

The Hon'ble Mr. K. SHAHABUDDIN: So far he is supplying information as to the actual proportion which is available, but the question is not that. I do not see how the question of cultivation of sugarcane can arise in this connection.

Dr. NALINAKSHA SANYAL: No, no, it is not with regard to the cultivation of sugarcane at all. I ask the total production of sugarcane in Bengal and in proportion to that capacity of sugar mills of Bengal to crush is near about one-third.

The Hon'ble Mr. K. SHAHABUDDIN: It may be; I am not sure of that fact.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there has been great hardship or not and Government received representations from sugarcane-growers as a result of Government's interference in the interest of the mills to secure supply of sugarcane to them last year?

The Hon'ble Mr. K. SHAHABUDDIN: No, Sir, the representations were quite on different ground, because the price of *gur* was very high and

they found it more profitable to supply cane for *gur* manufacture. That was the main reason for the complaint. It is not that the mills were unable to crush whatever supply was given to them.

Dr. NALINAKSHA SANYAL: I am afraid the Minister has not followed my question. You cannot help it, Sir.

Will the Hon'ble Minister be pleased to state if it is a fact that the Beldanga sugar mill situated in the district of Murshidabad did not crush any cane at all last year in spite of Government's assurance to zone up the area of supply?

The Hon'ble Mr. K. SHAHABUDDIN: The question was answered on the last occasion. It is a fact that that mill did not work last year.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the efficiency standard that Government have laid down to enable them to find out whether the mills in Bengal are working up to that standard of efficiency in regard to extraction?

The Hon'ble Mr. K. SHAHABUDDIN: Sir, Government have not got full information as far as this matter is concerned, but they have taken steps and appointed a Costing Officer and one of the terms of reference is to find out the efficiency of the mills.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government had any beneficial results for the province secured as a result of the promised grant of subsidy to the mills or through the mills to the sugarcane-growers for supply of sugarcane to the mills last year?

The Hon'ble Mr. K. SHAHABUDDIN: Government is of opinion that if there had been no subsidy even the amount of sugar that was produced last year would not have been possible.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that nutritional experts in Bengal have expressed the opinion that it is not in the interest of the province to expand the area under sugarcane cultivation at the cost of rice or paddy?

The Hon'ble Mr. K. SHAHABUDDIN: How does it arise?

Mr. I. A. Clark: Will the Hon'ble Minister be pleased to state whether it is a fact that the Government of Bengal has been requested by the Government of India to maximise the production of white-cane?

The Hon'ble Mr K. SHAHABUDDIN: Yes, Sir, that is correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the sugar mills of Bengal are not as efficient in crushing and in manufacture of white sugarcane as the sugar mills of Bihar and United Provinces?

The Hon'ble Mr. K. SHAHABUDDIN: It is very difficult to answer that question, but as I have said, Government have appointed a Costing Officer and his report will show whether the sugar mills in Bengal are efficient or not and from what has been reported so far about efficiency they can compare very well with any other mill.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government considers the desirability of not coming to the aid of inefficient and inadequately equipped industrial concerns however big capitalists there may be behind them?

Mr. DEPUTY SPEAKER: How does that arise?

The Hon'ble Mr. K. SHAHABUDDIN: I am prepared to answer though it does not arise.

Mr. DEPUTY SPEAKER: What is your question?

Dr. NALINAKSHA SANYAL: Whether Government is considering the desirability of not supporting any inefficient or inadequately equipped industrial concerns like the sugar mills of Bengal even if they are backed by big capitalists?

Mr. I. A. CLARK: On a point of order. I wish to ask you whether the supplementary question which has just been asked is not a hypothetical question and therefore inadmissible.

Mr. DEPUTY SPEAKER: Dr. Sanyal, your question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the sugar mills of Bengal cannot stand on equal terms in the competitive market with the sugar mills of Bihar and United Provinces in spite of the proximity to the market?

The Hon'ble Mr. K. SHAHABUDDIN: Sir, as far as I am aware, given equal opportunities, they can stand the competition.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government has decided not to advance any subsidy to the sugar mills or otherwise try to assist them by imposing penal measures on sugar-cane-growers this year?

The Hon'ble Mr. K. SHAHABUDDIN: Sir, I say "yes" to all the questions except "assisting the mills". The object of Government so far has always been to assist the industry as well as the agriculturist. Of course this year Government have decided to take no steps either in the shape of subsidy or cordoning or other measures.

Deaths due to starvation in Bengal.

***92. Mr. PRATUL CHANDRA CANGULI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the number of deaths due to starvation for want of food in—

(1) Calcutta, and

(2) mufassal districts (district by district) during the last six months; and

(*ii*) what arrangements, if any, have been made to ascertain the number of deaths due to starvation in—

(1) Calcutta, and

(2) mufassal districts?

(*b*) Will the Hon'ble Minister be pleased to state the reason for the deterioration of the health and morals of the people?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*) No. record is kept of deaths due to starvation.

(*ii*) No arrangement is practicable for determining in what cases death is due to starvation.

(*b*) Recent deterioration in health is due to malnutrition consequent upon famine conditions of last year. With regard to morals I have no information.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us whether Government consider the desirability of opening a record of deaths due to starvation?

Khan Sahib HAMIDUDDIN AHMAD: Though Government consider the desirability of keeping a record of deaths due to starvation, it is simply impossible under the present circumstances to do so.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister think it desirable to prevent deaths from malnutrition?

Khan Sahib HAMIDUDDIN AHMAD: Government is doing its best to prevent malnutrition.

Mr. NISHITHA NATH KUNDU: Is it the duty of Government to prevent deaths due to starvation?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Mr. NISHITHA NATH KUNDU: In view of the answer just given, how is Government going to prevent deaths due to starvation if Government keeps no record of deaths due to starvation?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that it is not at all practicable under the present circumstances to keep a comprehensive record of all the deaths due to starvation, but Government gets information about deaths due to starvation.

Mr. NISHITHA NATH KUNDU: How does Government propose to fight out deaths from starvation?

Khan Sahib HAMIDUDDIN AHMAD: Government have already begun a campaign of "Grow More Food" and are trying to import food from other provinces as well as from abroad outside India.

Mr. NISHITHA NATH KUNDU: How does Government propose to prevent deaths from malnutrition?

Khan Sahib HAMIDUDDIN AHMAD: Malnutrition is now prevailing owing to the famine condition of last year. That cannot be prevented, but Government is trying to prevent future shortage of food.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to give us some idea about any schemes for the prevention of deaths due to starvation and malnutrition?

Khan Sahib HAMIDUDDIN AHMAD: Government is trying its best to give food to all people, so that they may not starve.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state why they consider it not desirable or practicable to keep a record of deaths due to starvation?

Khan Sahib HAMIDUDDIN AHMAD: It is only the medical people having medical knowledge that can certify whether a death is due to starvation, and under the present circumstances Bengal has got very few medical people to be appointed by Government to certify such deaths.

Rai HARENDRA NATH CHAUDHURI: Is it after all not a question of fact that a person has died of starvation or not?

Khan Sahib HAMIDUUDIN AHMAD: Yes, but that opinion only a medical man can give, namely, as to whether a death is due to starvation or not.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state why when a person dies from want of food, a medical man has to be brought in to certify that he has died of starvation?

Khan Sahib HAMIDUDDIN AHMAD: Whether death has occurred due to starvation is a different thing. But starvation may be attended with some disease.

Rai HARENDRA NATH CHAUDHURI: No, no. I am talking only of starvation cases.

Khan Sahib HAMIDUDDIN AHMAD: All causes of death are certified by medical men, and they are the only people who are competent to certify that.

Mr. NISHITHA NATH KUNDU: Are we to take it from the answer given just now that Government is helpless to prevent deaths from starvation and malnutrition for want of a sufficient number of medical practitioners?

Khan Sahib HAMIDUDDIN AHMAD: That has never been my answer. I have only stated that it is impossible to prepare a comprehensive record of deaths.

Mr. NISHITHA NATH KUNDU: Is it possible to prevent deaths from starvation?

Khan Sahib HAMIDUDDIN AHMAD: Yes, if food is given to all people and people are not allowed to die from starvation, *i.e.*, if food is available and food can be made available to all persons.

Mr. CHARU CHANDRA ROY: Can the Hon'ble Minister contradict if people say that 50 lakhs died of starvation in this province?

Khan Sahib HAMIDUDDIN AHMAD: Certainly.

Dr. NALINAKSHA SANYAL: In the preparation of vital statistics, do Government require the causes of death in each case to be certified by competent medical officers before the cause of death is actually recorded in the death register kept in the area?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that people sometimes die from various diseases and in starvation cases whether the death has taken place due to simple starvation or starvation attended with disease, it is only medical men who can certify that.

Dr. NALINAKSHA SANYAL: My question was specific, namely, whether in recording vital statistics showing the cause of death Government have instructed the persons responsible for recording such causes to obtain necessary certificates from competent medical men before they put down the cause.

Khan Sahib HAMIDUDDIN AHMAD: Only medical men can say whether a death is due to simple starvation or——

Dr. NALINAKSHA SANYAL: I am not talking of starvation. In the preparation of vital statistics, do Government maintain any register for recording causes of death?

Khan Sahib HAMIDUDDIN AHMAD: No.

Dr. NALINAKSHA SANYAL: Then how is the cause ascertained?

Khan Sahib HAMIDUDDIN AHMAD: From the chaukidars' reports.

Mr. CHARU CHANDRA ROY: Is it the policy of Government to suppress news about deaths due to starvation?

Khan Sahib HAMIDUDDIN AHMAD: No, it is not the policy of Government.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Sj. Monilal Dutt, a security prisoner.

46. Mr. PRATUL CHANDRA GANGULI: (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the fact—

(*i*) that the security prisoner Sj. Monilal Dutt's case has been reviewed by the Government;

(*ii*) that he has been served with an order for further detention;

(*iii*) that Sj. Monilal Dutt, after the expiry of the term of 10 years' imprisonment was not allowed to go out of the jail gate and was detained as a security prisoner;

(*iv*) that he has not been granted any family allowance; and

(*v*) that he was not granted leave to perform the *sradh* ceremony after his father's death and the annual *sradh* ceremony?

(*b*) With reference to the reply given to a supplementary question to starred question No. 21, dated the 6th July, 1943, will the Hon'ble Minister be pleased to state whether he is aware—

(*i*) that the party in Chittagong which Sj. Monilal Dutt belonged to is not in existence;

(*ii*) that the leaders of that party who are now serving long sentences in connection with Chittagong Armoury Raid case, have declared in an appeal to the people that the present war is the "People's War" and asked the people to wholeheartedly help the Government in their war efforts;

(*iii*) that the Government have circulated this appeal through the newspapers and also by printing several lakhs of copies throughout the country and abroad especially in America; and

(*iv*) that the persons who were members of this party are, after their release, now wholeheartedly helping the Government in their war efforts?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of releasing the said security prisoner?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*)(*i*) My information is to the contrary.

(*ii*) A declaration and appeal to public by some of the Chittagong Armoury Raid case convicts was published in the Press without the knowledge of Government.

(*iii*) No.

(*iv*) This is true in some cases in which a genuine change in attitude took place but not in all.

(*c*) Does not arise, but I may state for the information of the honourable member that the case of this prisoner as well as the case of all security prisoners now in detention is under constant review. His detention will not be continued any longer than is found necessary.

Grant of family allowance to female security prisoners.

47. Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*a*) the names of female security prisoners now detained in the different jails of Bengal with dates of their arrest;

(*b*) the names of female prisoners who have been granted family allowance;

(c) the amount of such allowance granted to each;
(d) the number of dependants of each of them; and
(e) the dates when the family allowance was granted to each of them?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) to (d) A statement is laid on the Library Table.

(e) Detailed information in these respects is not readily available.

Arrest of Shree Arunangsu De.

48. Mr. NISHITHA NATH KUNDU: (a) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact that Shree Arunangsu De, B.L., a member of the All-India Congress Committee, was arrested at Dinajpur?

(b) If the reply to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether he was detained in Dinajpur Jail after his arrest;
(ii) if so, the date up till which he was there;
(iii) whether he has been transferred from Dinajpur; and
(iv) if so, where is he now?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a), (b) (i) and (iii) Yes.

(ii) 28th September, 1944.

(iv) He is now detained in the Dum Dum Central Jail.

District Publicity Organisers.

49. Babu ASHUTOSH LAHIRI: Will the Hon'ble Minister in charge of the Publicity Department be pleased to state—

(a) the present number of District Publicity Organisers;
(b) the present number of Assistant District Publicity Organisers;
(c) the number of the staff employed for the offices of the District and Assistant District Publicity Organisers; and
(d) the total cost, both recurring and non-recurring, for creating and maintaining this new Department?

MINISTER in charge of the PUBLICITY DEPARTMENT (the Hon'ble Mr. Pulin Behary Mullick): (a) Twenty-seven.

(b) There is no Assistant District Publicity Organiser. We have 100 Subdivisional Publicity Organisers.

(c) (i) Office of the District Publicity Organisers—

Clerks—27.
Peons—27.

(ii) Office of the Subdivisional Publicity Organisers—

Peons—100.

(d) Expenditure involved in maintaining the District and Subdivisional Publicity Organisers and their staff—

Recurring—Rs.4,17,142.
Non-recurring—Rs.45,500.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the total amount of money that has been sanctioned for the pay and emoluments of the items mentioned under (a), (b) and (c) separately? The total is given under (d).

The Hon'ble Mr. PULIN BEHARY MULLICK: I ask for notice.

Mr. J. N. GUPTA: Sir, I have been deputed to answer questions on behalf of the Hon'ble Minister in charge of Communications.

Mr. DEPUTY SPEAKER: Let this question be finished first.

Dr. NALINAKSHA SANYAL: With regard to answer (*c*), will the Hon'ble Minister be pleased to state what staff has been employed independently of the existing staff, *i.e.*, what additional staff has been employed? The Hon'ble Minister has only said "100 peons". Has no other staff been employed?

The Hon'ble Mr. PULIN BEHARY MULLICK: And clerks.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in the offices of the Subdivisional Publicity Organisers, only 100 peons have been employed?

The Hon'ble Mr. PULIN BEHARY MULLICK: Yes.

Dr. NALINAKSHA SANYAL: With reference to answers (*a*) and (*b*), will the Hon'ble Minister be pleased to state how many Hindus, Caste and Scheduled Castes, and how many Muslims have been appointed under these two categories separately?

The Hon'ble Mr. PULIN BEHARY MULLICK: On the last occasion I told the House that the Communal Ratio Rules had been strictly followed.

Dr. NALINAKSHA SANYAL: Let us know the number. Amongst the District Publicity Organisers, how many Hindus, Caste and Scheduled Castes, and how many Muslims have been appointed?

The Hon'ble Mr. PULIN BEHARY MULLICK: 14 and 13.

Dr. NALINAKSHA SANYAL: How many Scheduled Castes?

The Hon'ble Mr. PULIN BEHARY MULLICK: 4.

Dr. NALINAKSHA SANYAL: Under category (*b*), how many Hindus, Castes and Scheduled Castes, and how many Muslims have been appointed?

The Hon'ble Mr. PULIN BEHARY MULLICK: 15 per cent. Scheduled Castes and the rest others.

Dr. NALINAKSHA SANYAL: I want the number.

Mr. DEPUTY SPEAKER: Question time is over.

NON-OFFICIAL BILL.

Bengal Close Season for Fishes Bill, 1943.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to present the report of the Select Committee on the Bengal Close Season for Fishes Bill, 1943.

NON-OFFICIAL MEMBERS' RESOLUTION.

Statutory Minimum Price for Jute in place of Statutory Maximum Price.

Mr. SYED BADRUDDUJA: Sir, I beg to move that this Assembly is of opinion that the statutory maximum price fixed for jute should be immediately abolished and be replaced by a statutory minimum price to be fixed every year in consideration of the current prices of staple food-crops.

Sir, the problem of jute is interwoven with the economic well-being of the entire province. It is the most important money crop and in a sense can be rightly called the monopoly crop of Bengal. By far the largest majority of Bengal's population depend upon this important crop not merely to meet their expenses for the consumption of non-agricultural necessaries of life but also to repay their monetary obligations. With regard to such a fundamental problem of jute, especially with regard to the prices of raw jute, the State owes to the cultivator and to the province at large to make necessary arrangements and provide adequate facilities for securing the best value for the crop that the agriculturist produces on the

land. Unfortunately however from the beginning, it is not the State, it is not the Government, but it is the vested interests, the Indian Jute Mills Assosiation that have dictated the terms. It is the Jute Mills Association that have determined the low prices of this crop as also the high prices of manufactured goods in this country. From 1929 onwards there was a slump in the trade leading to the accumulation of huge stocks. Naturally these accumulated stocks exercised a very great influence in lowering the prices of this crop. From 1934, however, the position changed. Accumulated stocks were considerably depleted but all the same the prices were depressed during the early thirties. The question of regulation therefore has assumed a serious significance, and has got to be adjusted with reference to the crops' demand in the world market. Over-production or restriction of production, the agriculturist is entitled to get the real value for the crop that he produces. According to the laws of supply and demand, the value of this crop must be determined and it must not be left to the caprices and whims of any particular body, however influential or however important it otherwise might be. The Indian Jute Mills Association have been controlling the policy of the price of jute whereas it should have been undertaken by the Government themselves. It is quite natural that the Jute Mills Association in their own interest would not subordinate their interests to the interests of the jute-grower in the country. Nobody can blame them because they are not here to benefit the people of this country but they are here to benefit themselves. There is a conflict of interests between the Indian Jute Mills Association and the grower of jute in the land. Naturally therefore the Government of the land should take up this responsibility and not utilise the jute-grower as pawn in their political chess-board nor allow the control of prices of this particular crop on which the well-being, the prosperity and the stability of the entire peasantry of Bengal depends.

Sir, it is amazing that jute produced since the beginning of general economic depression never exceeded the demand and yet the prices were so skilfully depressed that the jute-growers could not get a price which would even cover his cost of cultivation. But the jute mills made huge profits. Even in the year 1938 when the supplies were cut short by floods, the prices were kept depressed For a long time in 1937 and 1938 the prices of jute goods and also those of raw jute were kept unduly depressed by the Calcutta mills. They adduced over-production and competition as special reasons but the fact remains that for their own products they got much higher prices. It is a misfortune that the present Government of Bengal by a systematic bungling and administrative inefficiency brought about a famine in the country unparallelled in the history of the civilized world which exacted a toll of human lives, Hindus and Muslims, over a million in number and they have not the slightest consideration even at the present moment for the poor agriculturist, when he can expect a much higher price for his crop at least to recoup the losses which he sustained during preceding years? The Government of the land which pretend to represent the people of this province should have made a generous gesture to secure for the agriculturist of this country a higher price than had been fixed, when the Indian Jute Mills are making huge profits at the cost of the agriculturists. I would supply certain figures which would show the real state of affairs obtaining at present.

Maximum price fixed at present for Calcutta is as follows:—

	Per maund. Rs.
(1) For Top ...	19
(2) For Indian Jat Middle ...	17

The price of District Middle is at least Re. 1 less than that of Jat Middle. The price of Bottom is at least Rs. 3 less than that of Middle. The price obtainable by the grower in the rural market is at least Rs. 2 less than that obtainable in Calcutta.

Now the effects of fixation of maximum price in the rural market, *i.e.*, obtainable by the grower are as follows:—

	Per maund. Rs.
(*i*) For Indian Jat Middle	... 14
(*ii*) For District Middle	... 13
(*iii*) For Jat Bottom	... 11
(*iv*) For District Bottom	... 10

Prices for rejection bottom must be much lower according to the degree of inferiority. The average price for jute which is obtainable by the grower owing to the fixation of maximum price may, therefore, be taken (on the adverse side against the grower) as having been Rs. 10 per maund on an average.

The cost of cultivation per bigha of jute that we have from the Indian Jute Enquiry Committee for 1938-39 is Rs. 16, but during 1943-44 and 1944-45 the cost must have doubled, if not more owing to higher prices of seeds and higher cost of labour. That is, the cost of production per bigha that the agriculturist has got to meet is about Rs. 32. On an average the agriculturist must sow jute in at least four bighas of land which at the rate of 5 maunds per bigha produce 20 maunds. The profit that the agriculturist gets on the basis of 4 maunds per bigha is Rs. 8 and on the basis of 5 maunds per bigha is Rs. 18, *i.e.*, between Rs. 2 and Rs. 3-10 per maund. The agriculturist has got to spend Rs. 32 per bigha as the cost of production, but on the basis of 4 maunds per bigha he gets Rs. 40. The profit therefore comes to Rs. 8 per bigha; while the price paid by the Jute Mills Association for 100 yards of hessian is Rs. 26, the maximum cost of production of 100 yards of hessian as calculated on the basis of figures obtained from several mills is Rs. 16. The net profit for 100 yards of hessian is therefore Rs. 10. One hundred yards of hessian weigh 25 seers and to produce the same, 30 seers of raw jute is required. Therefore the profit for 30 seers of raw jute is Rs 10 and that for one maund of raw jute is Rs. 12-8, which means that for every maund of raw jute the jute-grower gets Rs. 3-10 in the maximum, while the mills get no less than Rs. 12-8 in the minimum. The jute mills even now at this stage are making huge and enormous profit while the poor agriculturist who produces this raw material on whose prosperity the prosperity of the entire province depends, the economic structure of the entire province rests, is starving. At the cost of that poor agriculturist, even at this stage, in the name of war requirements, in the name of the demand of the United Kingdom, the jute mills are making a huge and colossal profit. We do not grudge them their profit, but what we demand is that better chances and better facilities should also be provided for the poor agriculturist of Bengal to remove the huge disparity that obtains between the profits earned by these mills and those earned by the poor agriculturists who have been sucked dry, who have been bled white, who have been exploited not merely by the foreigners but by the people of this country. These poor unfortunate specimens of humanity, these victims of oppression must get proper price for their crop. We do not grudge the millowners and the Jute Mills Association their profit provided they try to adjust somehow or other the profit they earn and share it fairly with the poor agriculturists of the country.

Sir, the loss sustained by the last crop will be no less than nearly 30 crores of rupees on a rough calculation. The jute produced is calculated at 5,493,205 bales, that is, 27,466,025 maunds. On the basis of that calculation it would come up to nearly 30 crores of rupees in the year 1943-44. Similarly the previous crop was 69 lakhs of bales or 345 lakhs of maunds. The mills unduly gained and the growers unduly lost nearly 35 crores of rupees. It can be proved that the agriculturists of Bengal have lost on an average nearly 40 crores of rupees a year. That shows that the Government of Bengal had scant regard for the agriculturist when they fixed the maximum price. The Government of Bengal should have come to the

rescue of the agriculturists of the province, when the price of rice had gone up abnormally high last year. They should have then fixed the price of rice within the purchasing capacity of the people of Bengal. But in order to hamper certain vested interests in order to pamper a certain coterie on whose suffrage they depended, they landed the whole province in disaster. At that critical juncture when millions of people were succumbing for want of a definite policy or programme, for the Governments maladministration, maldistribution and maladjustment of the resources of the country, the Government of Bengal should have, instead of resorting to corruption and bribery, filth and abomination, thought of coming to the rescue of the people of the province, and not contributed to their disaster by their own bungling and administrative inefficiency was when there is just a chance, when there is a demand in the world market for jute, even now when the poor agriculturists who have not yet recovered from the ravages of the famine and the aftermath of the disaster which was so serious in its implications and repercussions upon the economic structure of the entire province, the Government of Bengal in order to satisfy the vested interests of Clive Street have come forward to fix the maximum price of jute. Sir, I do not mind their fixing the minimum price, but there are two conditions, which have to be satisfied, namely, that there must be a market and that the economic price must be maintained. If it is economic, if the agriculturist gets Rs. 10 per maund as profit for four bighas of land where he produces 40 maunds of jute then he gets Rs. 400 a year with which he can meet his modest demands and requirements provided that the economic price is maintained. That would be perfectly all right and reassuring

Sir, we thank the Government of India for having assured the people of this province that they will purchase all the unsold jute at the minimum price provided they implement their assurance as they have done in the past to feed Greater Calcutta when the Government of Bengal failed to feed Calcutta and Bengal. When the Government of Bengal failed, thanks to the generosity of Lord Wavell, the Viceroy of India, he immediately came to Calcutta and provided for supplies to feed Greater Calcutta. Similarly, Sir, if the Government of India have assured us at the present moment that they would buy up all the unsold jute and give a guarantee that the minimum price would be maintained and that they would stick to that position, that would really be very encouraging. Our misfortune is that the poor agriculturists of this country have no resources to fall back upon; they have always been exploited and used for party aggrandizement. Sir, the poor agriculturists have not been allowed to determine the policy, they have not been allowed to determine the price, they have not been allowed to regulate the production of jute in this province. The Government of Bengal should have some recognition for the cry that comes from that direction. I would appeal to the Government of Bengal, not in a spirit of controversy and party jealousy but in the name of suffering humanity, to impress upon the Government of India even at this stage to abolish the maximum price of jute. I have great regard for the honesty of purpose of Mr. Muazzamuddin Hossain. He observed in the course of the debate last year that if we did not agree with the Government of India, jute being a war material, the Government of India could fix any price they pleased. But I would not certainly accuse the Government of India of such dogheadedness as not to be amenable to reasons if the grievances of the jute-grower had been voiced in the proper quarters in a proper manner. If the Ministry which pretends to represent the people of Bengal were sufficiently representative and if they represented the jute-grower's case to the Government of India with a feeling of sympathy for the unfortunate agriculturist, I can assure you, Sir, the Government of India could not have sided with the Jute Mills Association but would have yielded to the demand of the poor jute-grower of the province. I request the Government of Bengal to impress upon the Government of India to abolish the maximum price of jute and fix a minimum economic price for jute in the interests of the jute-growers of Bengal.

Mr. DHIRENDRA NATH SEN: Mr. Deputy Speaker, Sir, I rise to support the resolution moved by my honourable friend, Mr. Syed Badruddoja. Sir, jute has brought money into the pockets of various interests but the lot of the jute-growers has remained as dark as ever and they have remained half fed and half clad. When the war broke out in 1939, large exports of jute and jute products were being made and it was hoped that an opportunity had presented itself to the growers to improve their lot. The main reason for their miserable role in jute is that while they lacked holding power the mills always had the advantage of holding out if they so desired because of the large stocks they carry over from year to year enough to last them for 6 months' continuous working. It was therefore thought that because of large overseas demand the huge carry over of raw jute which always acted as a drag on the prices would be wiped out and more stable equilibrium in the jute trade established. But you are already aware why this hope could not materialise. It is no doubt true that since the entry of Japan into war the shipping position deteriorated and there was a falling off in exports of jute and jute goods. Another potent factor that contributed for this unhappy situation is that powerful interests whose interest is to buy jute at as low a price as possible were working from behind. Members are also aware that at a time when food scarcity was at its acutest in this province and public demand was insistent for a restriction in jute cultivation thereby releasing land for growing more paddy the Government had to agree to grant licences for 8 annas of the basic acreage under jute for the 1944 crop. The jute year 1943-44 was expected to close with a large carry over, and this decision of the Ministry for 8 anna cultivation, it was apprehended and rightly so, would lead to a fall in the price of raw jute. In early January this year a conference of the Bengal Government with the Government of India was held at New Delhi and in February the Bengal Government issued a press-note stating that as a result of the decisions of the conference the Government had decided to grant 8 anna licences. They also advised the agriculturists to plant up to the full 8 annas and assured then that the Government of India had agreed to guarantee a minimum price of raw jute. In the same press-note the Bengal Government stated that the Government of India would buy up all crop offered at Calcutta and up-country in order to maintain the prices that would be fixed by them. Accordingly, on the 5th April, 1944, the Jute (Price Control) Order, 1944, was issued by the Government of India which fixed maximum and minimum prices of raw jute of various grades and maximum prices of manufactured goods. According to the Order the maximum price of the Indian jat middle was fixed at Rs. 17 per maund and the minimum price at Rs. 15 at Calcutta. Prices of other grades were fixed with an eye to this price. It is therefore pertinent to enquire why the prices were at all fixed by the Government. It was certainly not for giving any benefit to the growers. Rather the fact that the Indian Jute Mills Association accepted a huge order from the American Government at certain fixed prices was the motive force that prompted the Government of India to fix statutory prices. But the Price Control Order has been rendered nugatory by various causes. This will also be realised from the very low prices of raw jute now in the mufassil. In view of restricted exports of raw jute, the mills are practically in the position of monopoly buyers. Being favourably situated they and their agents in the mufassil can buy at prices dictated by them. Thus the price fixation has been of little help to the growers. In the first place, the prices fixed should be considered low if the present high cost of living are taken into account. It is therefore only just that if prices have to be at all fixed it should be done at higher levels to be determined with an eye to the present abnormal cost of living. In the next place, this monopoly position of the mills as buyers should be broken. Whatever little amount of hedging was provided by the Jute Futures Market, viz., the East India Jute Association, is not now available to the growers as the Government have closed it. In order that buying operations may be supported, it is

desirable that the East Indian Jute Association should be allowed to function, of course under Government regulation and supervision. The Association Committee should guarantee that all transactions will be done within the maxima and minima limits fixed by the Government. The growers then can hope to get a little higher price than they are getting now But the fundamental position of an unduly large supply in relation to present demand remains. The 1943-44 jute season is expected to close with a carry over of 41 lakh bales, whereas total consumption including the mills, domestic and exports, is not likely to exceed 70 lakh bales. It is therefore necessary that the next crop should be so regulated that the total outturn does not exceed 40 lakh bales. It will then meet the needs of the trade, at the same time a reasonable carry over, enough to last the mills for 3 months, would remain. The Government, I understand, are at present considering the size of the next crop. It is my firm opinion and I believe members will also agree with me, that licences for the next year should not be given for more than 5 annas as of the standard acreage. Let the Ministry not commit the same mistake they did last year.

Before I close, Sir, I must refer to the recent decision of the Government of India to set up in Calcutta a Jute Purchasing Panel which will be charged with the duty of buying raw jute to an extent which will support the jute market at a figure not below the guaranteed minimum prices. Belated though the decision is, I must welcome it as a move in the right direction. The decision is perhaps the outcome of the reported failure of the Indian Jute Mills Association to arrange for purchases of jute at agreed rates for specified quantities over specified periods But to be really effective and useful to the growers, the personnel of the Panel should be such as would contain representatives of all the interests from the filed to the factory. It is further necessray that in the prevailing position of transport bottlenecks, the Panel should arrange to buy through agents even in the mufassil, so that growers may have an opportunity to get fair prices.

Maulvi ABDUL WAHED : মাননীয় সভাপতি সাহেব, আমাদের সরকার বিরোধী দলের সৈয়দ বদরুদ্দোজা সাহেব পাটের দর সম্বন্ধে যে প্রস্তাব করেছেন আমি তা সমর্থন করছি। আমরা এই পরিষদে প্রথম থেকে পাটের সর্বনিম্ন দর বেঁধে দিয়ে বাংলার পাটচাষীদের উপকার করবার জন্য বাংলা গভর্ণমেণ্টের কাছে বরাবর দাবী করে এসেছি। প্রথম থেকে শুনছি গভর্ণমেণ্টের তরফ থেকে উত্তর হয়েছে পাটের দর বাঁধা অসম্ভব। সে অসম্ভব, অসম্ভব এই কথা বলে বাংলার পাট-চাষীদের বরাবর ধোঁকা দিয়ে এসেছেন। সে ধোঁকা আজ তারা ভেঙ্গে দিয়েছে। আজ বাংলার পাট-চাষী জিজ্ঞাসা করছে বাংলা গভর্ণমেণ্টকে যে যে জিনিষের সর্বনিম্ন দর বাঁধা অসম্ভব, সে জিনিষের উচ্চতম দর বাঁধা সম্ভব হয় কিসে এবং কেন তা সম্ভব হয় ? কিন্তু এর ভিতর মস্তবড় একটী রহস্য রয়েছে এই যে সাদা চামড়া সাহেবরা আছেন, তাঁরা পাটকল, চটকল ও পাটের কারবারে সমস্ত বাংলা দেশ জুড়ে ছেয়ে আছেন এবং একচেটিয়া ব্যবসায় করছেন। বাংলার পাট-চাষীদের উৎপাদিত যে সকল পাট তাঁরা অল্প মূল্যে খরিদ করে বিদেশে বেশী দরে বিক্রী করে কোটী কোটী টাকা লাভ করছেন, সে লাভ পাছে তাদের ঘাটতি পড়ে যায়। কি করে ঘাটতি না পড়তে পারে তার সুবিধা তাঁরা সর্বদা খুঁজছেন এবং গভর্ণমেণ্টের সাহায্যে সে সুবিধা তাঁরা করে নিচ্ছেন। বর্তমান এই সময়তে এই যে পাটের উচ্চতম মূল্য ১৭৲ টাকা বাঁধা হ'ল সেটী বাংলা গভর্ণমেণ্টকে জিজ্ঞাসা করলে হয়ত তাঁরা উত্তর দিবেন এটী ভারত গভর্ণমেণ্ট করেছেন। বাংলা গভর্ণমেণ্টের এ বিষয়ে কোন দায়িত্ব নেই। কিন্তু আমি বলবো এবং বাংলার পাট-চাষীদের সকলে বলছে বাংলার মন্ত্রিসভা ষড়যন্ত্র ক'রে গোপনে গোপনে এই সাহেবদের সন্তুষ্ট রাখবার জন্য এবং তাঁদের মন্ত্রিত্বের গদী বজায় রাখবার জন্য, নিজেদের দোষ স্খালন করবার জন্য গোপনে গোপনে ভারত গভর্ণমেণ্টের সঙ্গে দরকার করে ভারত সরকারের দ্বারা তাঁরা এই কাজ করিয়ে বাংলার পাট-চাষীদের সর্বনাশ করেছেন। এই দুর্দিনে ও দুর্মূল্যের বাজারে বাংলার পাট-চাষী এক পয়সার জিনিষ এক টাকা দিয়েও কিনতে পারছে না এবং দশ টাকার হালের গরু এক'শ টাকায়ও কিনতে পারছে না, পাঁচ আনার লাঙ্গল এক টাকায়ও পাচ্ছে না, চার আনার মজুর দু টাকায় তারা পাচ্ছে না। এই রকমভাবে তাদের খরচ বেড়ে গিয়েছে। তারা এই রকম খরচ করে এক মণ পাট উৎপাদন করতে কুড়ি টাকা হ'তে পঁচিশ টাকা যেখানে খরচ হচ্ছে, সেখানে তারা ৮৲ টাকা, ৯৲ টাকা ১৫৲ টাকার বেশী পাচ্ছে না। ঐ কয়েকটী মিল মালিক, কতিপয় মুষ্টিমেয় লোক, তাদের ঠকিয়ে কোটী কোটী টাকা লাভবান হচ্ছেন আর বাংলার পাট-চাষীরা ভিটামাটিশূন্য হ'তে বসেছে। এই সঙ্গে সঙ্গে আরও বলতে হয় বাংলা গভর্ণমেণ্ট

চালাকী চাতুরী করে বাংলার জনসাধারণের কিভাবে সর্বনাশ করছেন। একদিকে যেমন আমাদের নিত্য প্রয়োজনীয় জিনিষের কোন সুবিধা তাঁরা করে দিচ্ছেন না, বাংলার মজুর যেমন কোন রেশন বা কোন প্রয়োজনীয় খাদ্যদ্রব্য তারা পাচ্ছে না, তেমনিভাবে আবার তাদের উৎপাদিত জিনিষ, বিশেষ করে, পাট এবং সঙ্গে সঙ্গে বলতে হয় আজকাল, বর্তমান সময়ে, বাংলার ধান চাল বাংলা গভর্ণমেণ্ট এজেণ্ট দ্বারা চালাকী করে অল্প মূল্যে চাষীদের ঘর থেকে কিনে নিয়ে গোলাজাত করছে ও গোলাজাত করে বাংলার চাষীদের সর্বনাশ করছে। তারা না পায় পাটের টাকা, না পায় ধান চালের টাকা। দশ টাকার জিনিষ বিক্রী করে এক টাকা পায় না এবং যে সমস্ত জিনিষ তারা খরিদ করে সেগুলি তাদের অগ্নিমূল্যে খরিদ করতে হয়। অল্প মূল্যে বা ন্যায্য মূল্যে পাওয়ার কোন সুবিধা এই বাংলা গভর্ণমেণ্ট করতে পারেন নাই বা করতে কোন মনোযোগ দেন নাই। একমাত্র তাঁদের গদী বজায় রাখবার জন্য, কয়েকটী সাদা চামড়া সাহেবদের সন্তুষ্ট করবার জন্য, বাংলার জনসাধারণের সর্বনাশ করে দিচ্ছেন। মাননীয় সভাপতি সাহেব, এই সঙ্গে সঙ্গে বলতে হয় আমাদের সাদা চামড়া বন্ধুরা কি চান তাঁরা এদেশের অত্যন্ত দরদী পরম বন্ধু। কিন্তু সে বন্ধুত্ব কেন? না, সে কেবল নেবার জন্য। বাংলার জনসাধারণকে যখন দিতে হয় সে সময় খাতির নেই। এই পরিষদে গত বৎসর কিংবা তার আগের বৎসর আমি এই পাটের সম্বন্ধে বক্তৃতা দিয়েছিলাম। পাটের কোম্পানীর মালিক একজন আমাকে বলেছিলেন, ১৫৲ টাকা দর পাট আমি আমাদের গৌরীপুর বাজারে দিতে পারব কিনা এই কথা তিনি জিজ্ঞাসা করেছিলেন। তিনি বলেছিলেন, আমি যাব গৌরীপুর বাজারে ১৫৲ টাকা দর পাট কিনবার জন্য। আমি সে কথা স্বীকার করেছিলাম। তিনি যান নাই, তিনি পালিয়েছেন। এইভাবে আজ বাংলার পাট-চাষীদের সর্বনাশ করা হচ্ছে। কেন করা হচ্ছে? এর কৈফিয়ৎ বর্তমান মন্ত্রিসভাকে নিশ্চয়ই দিতে হবে। যদিও আজিকের গভর্ণমেণ্ট চেষ্টা করছেন বাংলাদেশে অধিক খাদ্যদ্রব্য কি করে উৎপন্ন হয় এবং কি করে জনসাধারণ খেয়ে বাঁচতে পারে এই রকম একটী প্রচার কার্য্য তাঁরা চালিয়েছেন, কিন্তু এর ভিতর মস্তবড় একটী ফাঁকি রয়েছে। বাংলার চাষী সম্প্রদায় তারা কি করে অতিরিক্ত জমিতে চাষ করবে, কি করে অতিরিক্ত ফসল উৎপন্ন করবে সেদিকে গভর্ণমেণ্টের মোটেই দৃষ্টি নেই। গভর্ণমেণ্ট মুখে মুখে বলছেন এবং কাগজপত্র পরিষ্কার রাখছেন এবং বলছেন যে, "আমরা দেশের জন্য কিছু করছি"। মোটেই তাঁরা কিছু করেন নাই। এই বাংলা দেশে ৪০/৫০ লক্ষ লোক গত দুর্ভিক্ষে মারা গিয়ে বাংলা দেশের কবরে ও শ্মশানে চলে গিয়েছে। আর যারা বেঁচে আছে, তাদের মধ্যে শ্রমজীবী যারা, বিশেষ করে চাষ ক্ষেতে খাটার উপযুক্ত যাদের স্বাস্থ্য ভাল, তাদের অনেকে যুদ্ধক্ষেত্রে চলে গিয়েছে। অনেকে সেই যুদ্ধের গোলা, গুদাম ও রাস্তা নির্ম্মাণের কাজকর্ম্ম করে খাচ্ছে। আর কতগুলি লোক দিন মজুর তারা অনেকে দুর্বল হয়ে রুগ্ন হয়ে ঘরে বসে আছে। আজ বাংলার কৃষিক্ষেত্র জনমানবশূন্য হয়ে গিয়েছে। কৃষির জমি পড়ে থাকছে। মানুষের অভাবের জন্য চাষ করান হচ্ছে না। অন্যদিকে কৃষির যন্ত্রপাতি কৃষকরা অল্পমূল্যে যোগাড় করতে পারছে না। আমাদের কৃষি-মন্ত্রী মহোদয় আমাদের ময়মনসিংহ জেলার লোক, তিনি থাকলে জিজ্ঞাসা করতাম যেহেতু তিনি বোরো এলাকার লোক, যখন বাংলা দেশের বোরো জমি পতিত থাকছে মজুরের অভাবে এবং কৃষকরা মজুর অভাবে ফসল উৎপন্ন করতে পারছে না, বিশেষ করে যে ফসল বর্তমানে কাটা হচ্ছে, সে ফসল কাটার মজুরের মাইনা এত বেড়ে গিয়েছে এবং ফসলের দাম জায়গায় জায়গায় এত কমে গিয়েছে যে একদিনে একটী মজুর যে জমিটুকু কাটবে তাতে তার ফসলের দামে মজুরী পোষায় না। এমন অবস্থা কোন কোন জায়গায় হয়ে গিয়েছে। সেজন্য আমাদের বন্ধু হাজি বদী আহম্মদ চৌধুরী বলেছেন তিনি নাকি নিজেই কত জমি ছেড়ে দিয়েছেন মজুরী পোষায় নাই বলে, কেটে বাড়ী আনতে পারেন নাই মজুরের অভাবে। মজুরের মাইনা এত বেড়ে গিয়েছে। এই রকমভাবে চাষীরা দিনের পর দিন তিলে তিলে মারা যাচ্ছে। এই মন্ত্রিসভা ষড়যন্ত্র করে তাদের মারছে। তার জন্য মন্ত্রিসভাকে নিশ্চয়ই জবাবদিহি করতে হবে। আর পাটের দর সম্বন্ধে আমার একটী কথা মনে পড়ে। একজন বন্ধু তিনি বর্তমান এই গভর্ণমেণ্টের দলে আছেন এবং পূর্ব্বেও এই গভর্ণমেণ্টের দলে ছিলেন। তিনি বলেছেন বক্তৃতায়—তিনি একজন প্রজাদরদী কৃষকদরদী লোক—তিনি বলেছেন গভর্ণমেণ্টকে সমর্থন করতে গিয়ে—"আমরা পাটের দর বেঁধে দেব।" কিন্তু ভিতরে ঢুকে দেখছেন পাটের দর বাঁধা এক রকম অসম্ভব। যেমন পুরুষের গর্ভ থেকে সন্তান জন্মগ্রহণ করা অসম্ভব, পাটের দর বাঁধাও তেমনি অসম্ভব। তাই আমার বন্ধুকে আমি জিজ্ঞাসা করতে চাই এই বাংলার মন্ত্রিসভা আজ গণ্ডায় গণ্ডায় সন্তান প্রসব করছে পাটের দর বেঁধে দিয়ে। আজকে সেই অবস্থায় সম্ভব হয়েছে পাটের উচ্চতম দর বাঁধা। ন্যূনতম দর বাঁধা কেন সম্ভবপর হয় নাই সেই কথা আমি তাদের জিজ্ঞাসা করছি।

Babu MADHUSUDAN SARKAR: Mr. Deputy Speaker, Sir, Bengal is a jute-growing province. Sometime back jute was regarded as a money crop of this province, but owing to some reason or other this jute has been losing its importance regarding its price. Even some of the districts in

this province have to depend upon jute for economical improvement. Even now-a-days, even today those districts have to look upon jute as the main money crop. Sir, with regard to the price of jute, the problem is becoming very serious day by day. Government had already kindness to fix the maximum as well as the minimum prices of jute no doubt, but the margin of profit is very little to the jute-growers. I am not concerned with the rate of price so fixed. My main contention is that Government have fixed the prices of jute in the interests of the jute-growers in the rural areas, but Government have made no arrangement to look after whether the jute-growers are receiving the price so fixed by Government. Government have fixed different prices for different grades of jute, but the jute-growers who are growing jute—they are illiterate and have little or no knowledge regarding the gradation of jute- have, in these circumstances, entirely to depend upon the sweetwill of the middlemen purchasers. Can they expect any justice, proper treatment or fair treatment regarding gradation from those persons, from those middlemen, who have been exploiting them from time immemorial? In this connection I would request Government to appoint Grading Officers as well as to establish grading centres for the benefit of jute-growers.

Another defect on the part of the Government which we see is that the Government have fixed the maximum as well as the minimum prices, but they have not made any effort to maintain those prices. When there is a heavy demand for jute, the question of maintaining prices is of little importance but during the dull season, when all the purchasers cease to purchase, if the Government do not intervene, the matter becomes very serious. For instance, I may cite the state of affairs prevailig in the rural area at the moment. Now the season is very dull and millowners and middlemen have ceased to purchase their jute. But the jute-growers are very poor and are not in a position to hold over their jute up to the season time. In this situation the purchasers sit tight and the jute-growers are compelled to sell out their jute at a lower rate than the rate which has been fixed by Government. Under such circumstances, if the Government do not come in or do not come forward to purchase jute by themselves or to lend money to the jute-growers against the stocks with them, the jute-growers can never get any proper price. I would suggest that Government at least in the dull season should come forward with a scheme to purchase jute from the jute-growers to maintain the prices which have been fixed by themselves. Sometimes they come forward with a fallacious argument that when the jute season is over, generally jute goes out of the hands of the growers to the hands of the middlemen and that they need not consequently bother about the maintenance of prices of jute. But Government should bear in mind that the middlemen themselves are not the final consumers. If Government are not in a position to maintain prices throughout the whole year in season and out of season, it would be very dangerous to the purchasers as well as to the sellers. Nobody will come forward to invest his money when there is no certainty about the prices fixed. So, I would request that Government at least in the dull season should come forward to purchase jute by themselves or distribute loans to the jute-growers against stocks with them.

With these few suggestions, I take my seat.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. BANKIM CHANDRA MUKHERJI : মাননীয় Deputy Speaker মহোদয়, যে সময়েতে ধানের দর আড়াই টাকা এই রকম ছিল সেই সময় juteএর দর অন্যূন দশ টাকা করবার জন্য এই Assembly থেকে চেষ্টা হয় এবং তখন আজকে যাঁরা Governmentএর পক্ষে তাদেরও সেই প্রকারের দাবী ছিল যে পাটের দর ন্যূনপক্ষে দশ টাকা করা হউক। সেদিন ধানের দর আড়াই টাকা এই রকম ছিল। আজ যখন সমস্ত জিনিষের দর প্রায় শতকরা ৩০০ এই রকম বেড়ে গিয়েছে, যখন সাধারণ সমস্ত জিনিষের price index ২৯৫-২৯৬ আজকে

এই সমস্ত অঞ্চলে রয়েছে এবং যখন ন্যূনপক্ষে আজকে ধানের দর যেখানে খুব কম সেখানেও প্রায় ৬৲ টাকায় যখন নেবে পড়েছে, এই অবস্থায় পাটের দর কি হওয়া উচিত? অন্ততঃ সহজেই বোঝা যায়, যে ২৪৲ / ২৫৲ টাকা অন্ততঃ পাটের ন্যূনপক্ষে মণ হওয়া উচিত। এবং যদি কেউ হিসাব করে দেখেন যে পাটচাষীর cost of production কি পড়ে তাহলে পরে দেখবেন যে আজকে মজুরীর যা হার এবং অন্যান্য সব জিনিষের যে প্রকার দাম তাতে cost of production ২০৲ / ২২৲ এর কম হয় না। এক বিঘা জমিতে খুব জোর ৪ মণ- ৫ মণ পাট হয় এবং তাতে ৮০৲ / ৯০৲ এর কম কিছুতেই খরচ পড়ে না। এই অবস্থায় বাংলার পাটচাষীদের প্রতি এতটুকুও মমতা, এতটুকুও সহানুভূতি যদি থাকে তাহলে পরে দেখা উচিত যে cost of production কি পড়ে এবং সেইভাবে পাটের ন্যূনতম দাম বা দর ঠিক করে দেওয়া প্রয়োজন ছিল। উচ্চতম দর অন্ততঃ পাটের খুব বিশেষ প্রয়োজন করে না; কেননা পাটটা হচ্ছে একটা এমন জিনিষ যেটা সর্ব্ব সাধারণের প্রয়োজনে লাগে না। ধান, চাল, বস্ত্র, লবণ এই সমস্ত জিনিষ যা consumer's goods, যা সর্ব্ব সাধারণের প্রয়োজনে লাগে, তার যখন এই রকম inflationএর বাজারে ওঠা-নামা হচ্ছে, সেই অবস্থায় সেই সব জিনিষের maximum price fix করে দেওয়ার প্রয়োজনীয়তা আছে জনসাধারণের পক্ষ থেকে। কিন্তু পাটের সর্ব্বোচ্চ দর স্থির করবার প্রয়োজন বা দরকার হচ্ছে একমাত্র যারা পাট কিনে, পাট থেকে hessian প্রভৃতি manufacture করে বিক্রী করেন, একমাত্র তাঁদের। তাঁদের ছাড়া আর কোনো জনসাধারণের কারো এ সম্বন্ধে কোন প্রয়োজনীয়তা নেই যে পাটের সর্ব্বোচ্চ দর স্থির করে দেওয়া হউক। এবং এখানেও একটা অদ্ভুত জিনিষ আছে। আজকে অবশ্য একথা বলা যেতে পারে যে যুদ্ধের ব্যাপারেতে পাটের চাহিদা এবং প্রয়োজনীয়তা অত্যন্ত বেশী এবং সেজন্য দেখা উচিত যে speculationএর ভিতর দিয়ে পাটের অসম্ভব দাম না বাড়ে, এইটুকু জিনিষ স্বীকার করে নেওয়া যেতে পারে। কিন্তু সেখানেও দেখা যায় যে পাটের ও হেশিয়ানের দাম সম্বন্ধে আজকে যদি America এবং Russian গভর্ণমেণ্টকে জানানো হয় যে চাষীদের এবং মজুরদের এই পড়তা এবং হেশিয়ানের এই দাম না থাকলে পর এ রকম শ্রমিক এবং কৃষকেরা মারা যায় তাহলে পর আমি জানি যে American গভর্ণমেণ্ট এর চেয়ে বেশী দর দিতে রাজি ছিলেন এবং Soviet গভর্ণমেণ্ট রাজি আছেন। (A voice from the Government Benches "Special information!") মানে এই রকমভাবে যদি India গভর্ণমেণ্টকে জানান হয়, বা যদি বা বা গভর্ণমেণ্ট India গভর্ণমেণ্টকে প্রভাবান্বিত করবার চেষ্টা করেন বাংলা গভর্ণমেণ্ট India গভর্ণমেণ্টের কাছ থেকে হুকুমটুকু নেওয়া এবং হুকুম তামিল করার এই পথ উঠিয়ে দিয়ে যদি তাঁরা বা বার পাটচাষী এবং পাট শ্রমিকদের অবস্থা বোঝান, যদি তাঁরা represent করেন তাঁদের গভর্ণমেণ্টের কাছে, India গভর্ণমেণ্টের কাছে এবং তাঁদের মাধ্যমেতে যদি অন্যান্য যারা ক্রেতা আছে তাদের জানানো হয় তাহলে পরে এখানেতে এ বিষয়েতে এই রকমভাবে একটা শোষণ করবার চেষ্টা চলতে পারে না। কেননা পাটের সঙ্গে সংশ্লিষ্ট বাংলা দেশে শুধু যে কৃষক আছে তা নয়, শ্রমিকও আছে। আজ হয় ত এই Houseএর সবাইকের না জানা থাকতে পারে কিন্তু বাংলা দেশে পাট বলতে যে শ্রমিক তাদের অবস্থা হচ্ছে অত্যন্ত শোচনীয় এবং বাংলা দেশে একমাত্র কয়লার খাতের শ্রমিকদের পরে যদি অত্যন্ত নিম্ন অবস্থার দরিদ্রতম শ্রমিক থাকে তো বাংলা দেশের পাটের শ্রমিকরা। এবং তার ফলেতে সম্প্রতি নির্য্যাতিত পাটের শ্রমিকদের প্রকাণ্ড বিক্ষোভ এবং আন্দোলনের ফলেতে, যখন তাঁরা strike threat দিয়েছেন সেই সময়ে, আজ হঠাৎ ৩।৪ দিন হ'লো তাদের ৩৲ টাকা dearness allowance বাড়িয়ে দেওয়া হোয়েছে, এবং তা সত্ত্বেও শ্রীরামপুর jute millএ strike হয়েছে এবং আশঙ্কা যে সে strike সমস্ত jute millএ spread করে যাবে, অন্ততঃ যাবার মতন একটা সম্ভাবনা আছে। পাট-শ্রমিকেরা গত ২।৩ বৎসরে যাবৎ এই রকমভাবে কষ্ট সহ্য করেছে যে আজকে প্রায় তারা একটা powder magazine হয়ে রয়েছে। এই হোলো একদিকে পাট-শ্রমিক এবং পাট-কৃষক উভয়কে নেবে তা থেকে যেটুকু দাম কমানো যেতে পারে সেই দাম কমিয়ে। কিন্তু পাট মালিক যাঁরা, তাঁদের সেটা margin of profit সে দিক থেকে কিছু মাত্র হ্রাস পায়নি। যুদ্ধের প্রয়োজনীয়তার সমস্ত ভার, সমস্ত পৃথিবীব্যাপী Fascismকে রুখবার যে burden সেটা স্বচ্ছন্দে বাংলা দেশের দুর্ভাগ্য কৃষক এবং শ্রমিকদের monopoly বহন করবার এবং এখানে যাঁরা বাংলা দেশের পাটকলের মালিক, যাঁরা magnet তাঁদের এ বিষয়েতে কোন প্রকার দায়িত্ব নেই, অর্থাৎ এ বিষয়ে আজকে তাঁদের স্বার্থ-ত্যাগের কোন প্রয়োজনীয়তা নেই। আজ এত বড় যুদ্ধ, এর জন্যে তাঁদের profit sacrifice করবার কোন দাবী নেই। যদি আজ hessianএর প্রয়োজনীয়তা এত বেশী থাকে, অর্থাৎ যুদ্ধের প্রয়োজনীয়তা যদি এত বেশী থাকে, তাহলে পর আজ উচিত যে যদি দেখা যায় যে এই সমস্ত jute magnetরা তাঁরা রাজি নন, তাহলে পর অন্ততঃ Defence of India Rules এর মারফতে সমস্ত jute millগুলি দখল করে নিয়ে মাত্র cost of production যা সেই অনুসারে hessian বিক্রী করা, এরও প্রয়োজন হতে পারে, অর্থাৎ jute

factory মালিকরা যে profitটুকু পান শুধু সেইটুকু কমালেই hessianএর দর কিছুটা কম রাখতে পারা যায়। যদি মনে করতে হয় যে যুদ্ধের জন্য অত্যন্ত প্রয়োজনীয়তা আছে তাহলে পরে যদি কোথাও আঘাত করবার প্রয়োজন থাকে, এখানে। আমি মনে করি না যে আঘাত করবার প্রয়োজন আছে; আমার ধারণা যে U. S. A. এবং U. S. S. R. তারা এর চেয়ে বেশী দরে order দিতে পারে। কিন্তু India Government তারা জানে যে বাংলা দেশে বেশ বশম্বদ সরকার আছেন যাঁদের উপরেতে কোন প্রকার একটা হুকুম দিয়ে দিলে পরেই তাঁরা তামিল করবেন; এবং সেই তামিলের চোটে বাংলার কৃষক এবং শ্রমিকের কষ্ট যা তা দেখবার প্রয়োজন হবে না। এর জন্য এবং যেহেতু হিন্দুস্থান সরকারের উপর বাংলা দেশের এই চটকলের মালিকদের প্রভাব অত্যন্ত বেশী এবং যেহেতু তাঁরা সংঘবদ্ধ এবং যেহেতু তাঁরা তাঁদের লাভেতে এতটুকু ন্যূনাংশও ছাড়তে রাজি নন অথচ hessianএর দর যাতে কম রাখা যায় যাতে করে hessianএর যে order দায় অন্ততঃ Englandএর Governmentকে এবং অন্যান্য মিত্রশক্তি, তাঁদের পক্ষে ব্যয়ভার বেশী না হয়, সেখানকার যে সমস্ত পাট কলের মালিক আছে তাঁদের লাভেতে কোন রকম হানি না পড়ে, এই সমস্ত দিক দেখতে হলে পরে বেচারা বাংলার কৃষক এবং শ্রমিক তাদের ঘাড়েই ভার চাপিয়ে দিতে হয়। এ বিষয়ে দায়িত্ব যদি কোথাও থাকে তাহলে দায়িত্ব হচ্ছে বাংলা সরকারের; যাঁরা হচ্ছেন বাংলার শ্রমিক এবং কৃষকদের প্রতিনিধি এবং যাঁদের উপর গুরু দায়িত্ব রয়েছে কারণ বাংলায়, বিশেষ করে পাকিস্থানি বাংলায় যে সমস্ত দরিদ্র প্রজা আছে, সেই তাদের এই পাটের উপরই একটা মস্তবড় দাঁড়াবার স্থান। তাদের রক্ষা করা, তাদের স্বার্থ দেখা এটুকু হচ্ছে গিয়ে একটা মস্তবড় দায়িত্ব। সে দায়িত্ব যদি যথাযথভাবে বাংলা গভর্ণমেণ্ট পালন করেন তাহলে পরে নিশ্চয়ই তাঁরা এই ন্যূনতম মূল্য এমনভাবে নির্দ্ধারণ করতে পারেন যে ন্যূনতম মূল্য থাকলে পর বাংলার কৃষক অন্ততঃ তার পাটের উৎপাদনের ভিতর দিয়ে যে খরচ হয় সেই খরচটুকু বাঁচিয়ে কিছুটা লাভ রাখতে পারেন। আমরা জানি যে যে দর বেঁধে দেওয়া হয়েছে maximum এবং তার ফলে গত বৎসর যে হিসাবে দর নেবে এসেছিল, সে দরে বাংলার কৃষক একেবারে সর্ব্বস্বান্ত হয়ে গিয়েছিল। এই দুর্ভিক্ষের ভিতরেও যদি তারা অন্ততঃ পাটের কিছুটা দর পায় তাহলে পরে হয়ত তারা কথঞ্চিৎ কিছুটা বাঁচতে পারে। কিন্তু তারা সকল প্রকারে, ধনে এবং পাটে, সব রকমে সর্ব্বস্বান্ত গত বৎসর হয়েছে; এবং এই বৎসরও সেই রকমের সম্ভাবনা থাকবে যদি না পাটের ন্যূনতম মূল্য ঠিকভাবে নির্দ্ধারিত হয়। যা উচ্চতম মূল্য নির্দ্ধারণ করা হয়েছে সেটাও উচ্চতম মূল্য হওয়া উচিত হবে না। তার চেয়ে উঁচুতে ন্যূনতম মূল্য নির্দ্ধারণ করে দেওয়া এখনই দরকার। এবং উচ্চতম মূল্যের তাগিদ এবং প্রয়োজনীয়তা বাংলার প্রজা সাধারণের বা জনসাধারণের নেই। তার প্রয়োজনীয়তা যদি অনুভব করা হয়, যুদ্ধের জন্য যদি প্রয়োজনীয়তা অনুভব করা হয় তাহলে পর যে সমস্ত মিত্রপক্ষীয় সরকার আছেন তাঁদের প্রতিনিধির সঙ্গে পরামর্শ করে এ বিষয়ে যথেষ্ট উচ্চতম মূল্য আমরা পেতে পারি এবং সেই হিসাবে উচ্চতম মূল্য নির্দ্ধারণ করে দেওয়া যেতে পারে যে ন্যূনতম মূল্যের উপর এক টাকা কি দুই টাকা উচ্চতম মূল্য নির্দ্ধারণ করা যেতে পারে, যাতে করে speculation বন্ধ হয়; এবং সেখানে আমাদের বিশেষ কোন আপত্তি সেদিক থেকে নেই। কিন্তু যেটা আমাদের সবচেয়ে বড় তাগিদ এবং দাবী সেটা হচ্ছে ন্যূনতম মূল্য এমনভাবে নির্দ্ধারণ করে দেওয়া যে ন্যূনতম মূল্য অন্ততঃ বাংলার কৃষকদের পাট উৎপাদন করবার যে cost of production তাকে cover করে তার কিছুটা অন্ততঃ তাদের হাতে থাকে এই রকমভাবে। এই দাবী অত্যন্ত যুক্তিযুক্ত এবং এই দাবী উপেক্ষা করবার মতন নয়। এবং আমি মনে করি যে বাংলার মন্ত্রিমণ্ডলী এর দায়িত্ব অনুভব করে বাংলার পাটের যা উপযুক্ত ন্যূনতম মূল্য তা নির্দ্ধারণ করবেন।

Mr. J. N. SMART: Mr. Deputy Speaker, Sir, the Jute Price Control Order which gives statutory authority to the maximum and minimum prices now ruling, has been in force since last April and has formed the basis of all contractual obligations entered into between buyers and sellers of jute since then.

It seems to me, Sir, to put it mildly that it is a somewhat irresponsible suggestion which my friend Mr. Syed Badrudduja now makes, namely, that this basis should be immediately abolished without warning or consideration of the effect such action would have upon the implementation of existing contracts. There are in my opinion very strong arguments for retaining permanently both a maximum and a minimum price for jute, although, of course, the actual prices so fixed would have to be reviewed at suitable intervals.

The jute trade in Calcutta has in the past fallen a frequent victim to waves of reckless speculation when prices are subjected to violent manipulation. The greater the fluctuation up or down the better it is for the

speculator and the worse it is for every one else concerned. A fixed upper and lower price-limit very largely prevents these harmful operations.

The second part of the resolution and much of what I have heard since then seems to imply that jute prices may be fixed with impunity at any level which appears desirable from the point of view of local conditions.

This is a line of thought which has often found expression in this House during many past debates on jute prices It is however an opinion which does not take sufficient count of the contingent nature of the monopoly position which Bengal jute holds. To maintain its position in world markets the price-level of jute must compare favourably with that of other competing fibres and substitutes. The long term interests of Bengal jute will be best served by perserving that favourable comparison rather than by a purely local outlook as suggested in the resolution under discussion. With that one condition satisfied, I am sure all well-wishers of Bengal will only be too pleased to see the price of jute always buoyant.

Sir, in this connection I desire to take this opportunity of bringing to the notice of this House a situation which has developed in the jute-growing districts and which is operating against the maintenance of jute prices. As the House is aware this important cash crop of Bengal is financed and purchased from the growers through a network of buying agencies belonging to Jute Baling Companies scattered throughout the area. These Companies supply all the storing accommodation which at present exists in the mufassil districts for storage of jute. As the trade is at present organised, if these Companies were to cease functioning, the supply route of jute from field to factory would collapse completely with disastrous consequences on the price level.

Now, Sir, what has happened recently is this. The Civil Supplies Department, in order to give effect to Government foodgrains procurement policy, has suddenly become urgently in need of godown accommodation in which to store on a large scale the foodgrains purchased. In the jute-growing areas the department has turned to the best buildings they could find from the point of view of size, construction and location, namely, the godowns normally used for storing jute. These godowns the department has requisitioned for its purpose under Defence of India Rules and thus removed them from service in jute. Sir, I am not blaming the Civil Supplies Department nor the Hon'ble Minister in charge. I am not suggesting that the situation he was faced with did not justify the action taken. It was an extreme situation but I do wish to emphasise that the action taken to meet it was also extreme. Storing accommodation for many lakhs of maunds of jute, has disappeared from these areas as effectually as if the godowns concerned had been devastated by a cyclone. Whole premises have been taken over, lock, stock and barrel, which were formerly actively engaged in buying jute. The effective purchasing power of jute has by this means been appreciably reduced with inevitable repercussions on prices in mufassil markets. It is doubly unfortunate that this should have happened just when extreme difficulties are being experienced in obtaining facilities for the despatch of jute from these interior centres to Calcutta. If a buying agency cannot despatch its stocks to Calcutta, it may continue to buy if at least it can store the jute on the spot. But if the means of storing are also removed, then purchase must cease entirely. The removal of all these godowns from the trade has caused much stoppage of business and much hardship to the merchants concerned and to the employees. It has also meant the closing down of many sources of off-take to the cultivator. That, Sir, is the position that I wish the House to take note of.

I would welcome an assurance from the Hon'ble Minister in charge of Commerce, Labour and Industries that he appreciates the burden that has

been laid upon the jute price-level and that he will do all in his power to ensure that the present state of affairs will not have to be endured indefinitely.

Mr. NISHITHA NATH KUNDU: Mr. Deputy Speaker, Sir, I have nothing more to add to what has been said by my friend the mover. Nor do I know, Sir, of any more facts and figures or statistics about the jute. I rise to speak a few words only to indicate the support of the party to which I have the honour to belong. Sir, this is a very important resolution that is before the House and it deserves the serious consideration from the Government of Bengal. Sir, from popular point of view I want to speak a few words. It was certainly to safeguard the interests of the purchasers that maximum price was fixed. It presupposes that left to normal fluctuation the maximum price would have gone further up. From the figures that have been placed before the House by the mover we can safely say that if maximum price of jute is to be fixed at all, it should be not less than Rs. 30 so that from the margin of profit that the hessian producers are obtaining the portion may be distributed equitably to the growers. Now, Sir, we all know that the prices of agricultural implements, prices of bullocks have gone up and the cost of living has also gone up. Therefore it is very necessary that there should be a minimum price fixed for jute so that the minimum can never go down the economic level. The minimum price of jute should be Rs. 28 or so. The Government's indifference to move in the matter shows indifference to the interests of the growers. It is to safeguard the interests of the growers that fixation of minimum price is necessary. It is a test to which Government is put. If the Government is really anxious to look into the interests of the growers, we shall this evening hear some kind of assurance from the Minister that the Government will immediately move in the matter and fix the minimum price for jute and also enhance the maximum price.

Now, Sir, in this connection I think it will not be out of place to mention that Government's indifference to the interests of peasants and growers is becoming prominent. All over the province they have appointed chief agents for procuration of paddy and rice. This monopoly given to the chief agents is really causing havoc to the producers. In Dinajpur paddy is now selling at Rs. 2 and Rs. 2-8 per maund. I submit that the cost of production of paddy will be at the minimum Rs. 3 or Rs. 3½ per maund when these producers and peasants have been compelled to sell their paddy at Rs. 2. The reason is that the chief agents are refusing to buy paddy and the former for meeting their demands are compelled to sell paddy at much lower than the production prices. In this way Government is indifferent to the interests of producers and growers. We hope and trust that Government will move and show that they really take interest in the peasants and growers.

With these few words, Sir, I support the resolution that has been so ably moved by my friend, Mr. Syed Badrudduja.

Dr. NALINAKSHA SANYAL: Mr. Deputy Speaker, Sir, I would not have liked to strain myself this evening after the performance of yesterday but for the misleading attempt of my honourable friend Mr. Smart from the European Benches to misguide the House as regards the justification for maintaining the maximum prices for jute. I do feel that neither the party supporting the Government excluding the European Party nor the party or parties in opposition need be told the urgency of providing to the agriculturists of Bengal the maximum possible price for their agricultural products—for rice, paddy, and jute in particular. There will be hardly any difference of opinion on this question. The statement made by Mr. Smart is that as a result of certain assurances, contracts had been entered into, which contracts have to be respected, and it would be really a serious disaster to the province, if at this stage any attempt is made to

interfere with the maximum prices which have enabled the jute mills to maintain that contractual relationship. To this I humbly submit one fact. When the maximum prices were fixed, we were given to understand that this was with a view to maintain a supply at a very early date of nearly 70 crores of yards of hessians to the United States Government and at a price which that Government was dictating, namely, not more than Rs. 26 per hundred yards of hessian. I would ask Mr. Smart and his friends whether while the Indian Jute Mills Association was so very insistent on seeing that the maximum price never exceeded, they have exercised similar vigilance over the maximum price that the jute mills levied for the hessians that they manufactured. If an impartial enquiry is set on foot by the Hon'ble Minister in charge, I shall be able to prove to the satisfaction of Government that while on paper some of these mills have kept themselves within the limit that was announced, there have been enormous black-marketing done by European managers of these mills for benefits not to the mills so much as for their personal gain. (Mr. DHIRENDRA NATH DATTA: "Shame, shame".)

Mr. DEPUTY SPEAKER: Black-marketing in jute?

Dr. NALINAKSHA SANYAL: Black-marketing in hessian. The maximum price was announced to remain at Rs. 26, but there had been instances, and these instances were not few, when freely jute mills levied much higher price for the hessian manufactured by them. There have also been instances in which respectable, so-called respectable, European houses set up underlings below them to get deliveries under fictitious orders to enable such intermediaries to partake of some share of the black-market profits and to enable these mill managers or sales managers to get huge profit out of the transactions. As a result thereof have been benefited neither the United States Government nor the Government of Great Britain, far less the cultivators of Bengal. The whole transaction in regard to the fixation of the maximum prices of jute appears to us at any rate to be entirely without any justification. It was revealed, Sir, in reply to some questions in the Central Legislature a few days ago that the prices of the products of this province are often forced down interests abroad for outside this province and outside India so much so that while Indian consumers could not get tea for anything less than Re. 1 per lb the British consumers have been getting through the good offices of the Indian Government and the U. K. C. C. tea for the civil population at something like six annas per lb. The same story is repeated in this case as well.

Even assuming that the United States Government and the United Kingdom Government were anxious to get hessian supplied to those respective countries at comparatively low prices I feel that there was not the slightest economic justification for such maintenance of maximum prices. This disposes of the argument of Mr. Smart with regard to the danger of doing away with the maximum prices fixed last year.

In fact, Sir, on the floor of this Assembly on the 5th July, 1943, we sought to move an adjournment motion when it was revealed that a back-door attempt was being made by the Indian Jute Mills Association to have maximum prices fixed under an ordinance. The Hon'ble Minister in charge of Commerce, the Hon'ble Mr. Shahabuddin, at that time vehemently protested here and like Cæser's wife above suspicion said three or four times with great emphasis that there was nothing like that and that there was no proposal that he knew about. When we categorically asked him whether he had known that the Indian Jute Mills Association did put forward a proposal to keep the maximum prices maintained at Rs. 14 to Rs. 19 for bottoms and tops he vehemently denied any knowledge of it. We on this side of the House, Sir, had to take his word for whatever it was worth for granted. Soon thereafter however the order was issued and it completely belied the statement made by the Hon'ble Minister. Either

Government did not know anything about it or it proved the utter callousness of the department which did not keep this information that an attempt was being made by the Indian Jute Mills Association to secure an Order or Ordinance from the Government of India to that effect. Thereafter we found that very often prices tended to lag behind and fall below the ceiling prices. Once or twice great anxiety was caused throughout the province. What generally happens is that just before the sowing season an attempt is made always to push up the prices and just when the crops are available an elaborate correspondence goes on to withhold purchases and prices go down. The same thing happened here also in this particular year and in spite of the fact that a minimum was determined or rather indicated by Government in the months of September and October there were places in Bengal where prices did go down to an alarming extent. I do admit, Sir, that at the present moment the prices are not quite so low as they were in September and October and there is just a slight brightening up of the situation in the rural areas. The figures for today that I have so far been able to collect go to show that at Charmaguria and Raipura bottoms are selling at Rs. 11 and Rs. 11-4; at Naraingunge Rs. 11, at Chandpur side at something which probably makes it uneconomical for buying Chandpur jute, because Chandpur price is a little higher than what the Calcutta price parity would permit. Similar is the case practically with all Bengal riverine points. However, Sir, it is not quite so true of Assam points. This is only because we have had through the good offices of the steamer companies a co-ordinated service under the Directorate of the River Transport, and we have been able now to ensure better transport than could be done in the previous years. On the other hand, wherever transport is difficult like Assam or the interior of Bengal there the prices still continue to be very low compared to the parity of production and compared to the cost of production of the agriculturists. In the interior of the Rangpur district the prices at the present moment are ruling very low and that is because, as you may be aware, the metre gauge section from Parbatipur onwards to the east has been very heavily over-loaded with war transport and traffic to and from Assam. Assam jute traffic now has been very difficult. So the prices ruling there have been extremely low. But, Sir, that is a point which has to be gone into separately and I do feel that Government should take this matter up with the Railways and other transport agencies that could provide better facilities of transport from those points where prices at the present moment are extremely uneconomic and low.

Sir, I agree with Mr. Smart—in fact I was myself going to point that out—that one of the potent reasons for the low prices in some mufassil areas is the total absence of available storing arrangements and available godown spaces both in the mills and other places in Calcutta as well as in the mufassil. The Civil Supplies Department and other departments of Government have had large areas requisitioned or taken over and as a result the mills are not buying for storage and stock. The mufassil mill agents are not in a position to stock more than what is immediately needed. This matter should also receive very careful consideration. The recent announcement of the Government of India to set up a Jute Purchasing Board for Calcutta has been applauded or acclaimed by some. I am not very hopeful of success there. I do not feel that any agency of that type could keep up prices because that will neither have the necessary technical or other staff available nor will they take financial responsibility for undertaking such a big commercial transaction as the purchase of jute would involve and this may lead to corruption and other kinds of abuses.

The normal method would have been to restrict the jute acreage to a level which would keep prices up to a minimum level which in the estimate of Government and their experts would provide sufficient margin of profit to the agriculturists of Bengal compared to the parity prices of other

articles that they could produce on the soil, viz., paddy, sugarcane and so on. I submit, Sir, that Mr. Syed Badrudduja's resolution has in that respect been very well-conceived. In the first part of his resolution he submits his arguments for taking away or withdrawing the control imposed by Government for maintaining the maximum price. There could be no earthly, economic or any other justification for maintaining the upper level of prices at a time particularly when Government is not in a position to assure the agriculturists a maximum level of prices for their consumers' goods including their food. If normal economic levels would justify higher prices, there is no possible logical ground for mulcting the agriculturists of the legitimate value of their crops which they otherwise would be entitled to. In case Government wanted to maintain certain supplies, the supplies could only be maintained at economic prices. In fact, Sir, in the Press Note of February, 1944, to which my honourable friend, Mr. Dhirendra Nath Sen, drew attention, the Government of India did mention that they would try to maintain jute price at the minimum level of Rs. 15 per maund at Calcutta and at parity levels up-country. Nothing of that kind has been done so far and if Government have not been able to keep their promise with regard to the minimum level of prices in Calcutta or the parity level outside, in the mufassil areas, this should be yet another ground for the Government of Bengal to press the Government of India to withdraw their insistence on maintaining the maximum level of prices. This is the opportune moment when this debate has taken place. I believe, Sir, that shortly the Government of Bengal would be called upon to determine the acreage that they would allow for the next year's crop and I do support the suggestion put forward by my friend from the Bengal National Chamber of Commerce that for the coming year at least the Government should not commit the same mistake as they did in the previous year and try to maintain the level of jute acreage at one-third of the standard year 1940. I would only suggest that so far as jute prices are concerned, Government should never try to dabble with this matter in the manner they have done so long. Government's only and sole concern should be to provide for the agriculturists of Bengal the maximum prices that they could reasonably obtain and even if for the time being there may be fluctuations, the benefit of fluctuations of prices may go to the agriculturists and not to the handful of European millowners exploiting Bengal.

The Hon'ble Mr. K. SHAHABUDDIN: Mr. Deputy Speaker, Sir, I have listened to the debate with very great care and attention. I must say that I am surprised that Dr. Sanyal has said that Mr. Badrudduja has brought this resolution at the most proper and opportune time. If I may say so, I think Mr. Badrudduja's resolution is most confusing and shows lack of knowledge or at least ignorance of the actual facts. The resolution runs thus: "This Assembly is of opinion that the statutory maximum price fixed for jute should be immediately abolished and be replaced by a statutory minimum price to be fixed every year in consideration of the current prices of staple foodcrops." Sir, the resolution perhaps assumes that there is no minimum price and it seeks to abolish the maximum price and replace it by a minimum.

Mr. DHIRENDRA NATH DATTA: It does not assume anything like that.

The Hon'ble Mr. K. SHAHABUDDIN: I take it that this is the interpretation—that can be the only interpretation of the resolution as it stands.

Mr. DHIRENDRA NATH DATTA: No, no.

The Hon'ble Mr. K. SHAHABUDDIN: However, the position as it exists now is that there are both maximum as well as minimum prices. Mr. Badrudduja wants, and some of the members in the Opposition have

also argued, that there should be only a minimum and not any maximum. I consider that that would be a very unreasonable proposition. Objection could however be raised had Government fixed a maximum price for raw jute only without at the same time fixing a maximum price for manufactured goods. As there was a maximum price for raw jute, there was also a maximum price for manufactured goods. I am glad, Sir, that some of the members of the Opposition had to admit—because they are fully aware of the facts—that there is a maximum price fixed for the manufactured goods also.

Dr. NALINAKSHA SANYAL: In paper.

The Hon'ble Mr. K. SHAHABUDDIN: As far as that is concerned, Sir, I hope my friend, Dr. Sanyal, will not mind if I say that he has taken up the role of Inspector of Drains and he only goes out and finds out things which are dirty and obnoxious——

Dr. NALINAKSHA SANYAL: Yes, and they are the best servants of the society.

The Hon'ble Mr. K. SHAHABUDDIN: I am very glad that Dr. Sanyal accepts that position. However, what I was going to say was that as long as there is a maximum price for manufactured goods there cannot be any reasonable grounds of objection for the maximum price for the raw material. I admit that comparatively speaking there may be a slightly better margin of profit in the case of manufactured goods than in the case of raw materials. That is one of the points which has been made out by my friend, Mr. Bankim Chandra Mookherjee, and some of the other speakers. They say that we ought to have represented to the Government of India to fix a higher maximum price and Mr. Mookherjee went so far as to say that he had information that the United States of America and the Soviet Russia were prepared to pay a higher price for jute if proper representations were made to them.

Dr. NALINAKSHA SANYAL: Actually the U. S. A. consumers paid higher prices.

The Hon'ble Mr. K. SHAHABUDDIN: No, Sir. That point was raised on the last occasion when the Government announced the decision as to the fixation of the maximum and minimum prices and I had on that occasion explained that a very strong and forcible representatoin was made at the time on the question of the fixation of prices. At a conference held at Delhi there were the Chief Minister, the Finance Minister, the Civil Supplies Minister, the Agriculture Minister and myself and we had two or three days' discussion. We went into the facts and figures thoroughly and those prices were fixed as a result of a settlement between the two parties. It pains me to find that a man like Dr. Sanyal wants us to go and try to get unlimited high prices for jute. He of all persons ought to know that the utility of jute is there as long as it remains at a price-level which is economic for the industry or the trade to buy. The moment we aim at a very high price-level there is the danger of losing the entire trade for all time to come. It is our misfortune that we do not realise or at least we deliberately pretend not to understand this aspect of the question.

Now, Sir, I will come to the arguments that have been advanced by the members of the Opposition today. If they are analysed you will find that there is no material to oppose the action of Government so far taken in coming to that arrangement with the Government of India in fixing the maximum and the minimum prices. Mr. Bokainagari has said that the Bengal Government so long had said that it was impossible for the Government to fix the minimum price, but now by fixing the maximum they themselves have indirectly admitted that the minimum could be fixed. He is totally ignorant that the Government of Bengal has fixed a minimum

price also. As I said on the last occasion, as far as the fixation of the minimum and maximum prices are concerned, it is the most valuable achievement of this Government which was not possible so long. I am thankful to Dr. Sanyal for his statement that at the present moment the trend of prices are upwards and he has complained that in September and October the prices were very low. (Mr. DHIRENDRA NATH DATTA: No, it was not so.) I find that two members of the Opposition are attacking each other. The prices that have been quoted by Dr. Sanyal cannot be considered low and certainly not below the minimum parity price of Calcutta.

Now, Sir, as far as the growers are concerned this year according to our information they have received the following prices in July. The prices were on an average from Rs. 10-8 to Rs. 12-8 in July and August——

Dr. NALINAKSHA SANYAL: Where?

The Hon'ble Mr. K. SHAHABUDDIN: That is a very pertinent quetsion. I am quoting the prices and I will mention the places also, and that will be helpful. Most of the information has been gathered through our Special Officer for Jute Prices through the Jute Regulation staff of the mufassil.

Mr. ABDUL WAHED: ও সব বাজে কথা।

The Hon'ble Mr. SHAHABUDDIN: Sir, it is very easy to come and protest here. But most of us who have been out on tour have contacted the people and our information is corroborated by the information given by our officers.

Then Sir, as far as September and October prices are concerned, Dr. Sanyal said that the rates were very low. But I will read two lines from a letter of my esteemed friend Mr. Israil who wrote that the prices were going down in the latter part of October. He had complained when prices were going down.

Dr. NALINAKSHA SANYAL: I have got a letter from the Narayanganj Chamber of Commerce——

The Hon'ble Mr. K. SHAHABUDDIN: He said in that letter: "On returning from Calcutta after attending the meeting of the Jute Advisory Committee I found that the jute prices ruling in mufassil centres——

Mr. PRAMATHA NATH BANERJEE: On a point of order, Sir. Is the Hon'ble Minister entitled to place before the Legislature a copy of a private letter addressed to him?

Mr. DEPUTY SPEAKER: He is not reading the letter: he is only reading an extract from it.

The Hon'ble Mr. K. SHAHABUDDIN: Very well, Sir, I shall not quote from that letter. As I was saying, Mr. Israil wrote me that up till the end of October the prices were ruling very satisfactory under the Jute Control Order. They were for good jute from Rs. 17 to Rs. 18. (Dr. NALINAKSHA SANYAL: All bunkum!). That is for *tosha* and not for ordinary jute, and bad jute from Rs. 14 to Rs. 15 but, Sir, nobody can deny that the prices which the purchasers have got this year they have seldom received in the past throughout the year. I admit, towards the end of October there was a trend downwards. As soon as we heard about it we took necessary steps. We contacted the Government of India and asked them to fulfil their undertaking, namely, to set up a Purchasing Board and implement the undertaking. When I was in Delhi in November I saw the Hon'ble the Commerce Member myself and explained the position to him and when he came down sometime in the middle of November I again saw him. I believe, honourable members have seen the result in

a Press Note, namely, the Government of India have agreed to set up a Purchasing Board and undertake the purchase of raw jute to maintain the minimum price, but as Dr. Sanyal himself has pointed out, at the present moment the trend of the price is upward and it is certainly nowhere near the minimum. That being so I submit, Sir, that the assurance that was given by Government to a large extent has been fulfilled.

Sir, I won't take much time of the House but conclude my speech by drawing the attention of honourable members to the steps that we have taken to ensure the benefit of parity price of Calcutta to the growers. I must point out that it is not possible in a matter so big and important like this to take all the necessary steps in one year, to perfect the machinery and work it out, but I claim, Sir, that we are on the right line.

Before I mention the steps that we are taking there is one point I want to refer to; this has been stressed by some of the members, specially by Mr. Smart. Many of the members do not realise what would have been the position had there not been this arrangement which was arrived at. The price of jute would have been much lower than what it is now. Mr. Smart has pointed out the difficulties of the industry and most of us know those difficulties. We have heard about the storage condition of the bailing agencies. You know the difficulties of the transport; you also know what are the difficulties under which the mills are working and that a number of mills have closed down. You are also aware of the difficulties of coal. With all these difficulties we have been able to maintain the price-level and this is entirely due to the arrangements that were arrived at between the Government and the Government of India.

Now, Sir, I may tell you the steps that we have taken for future as well as this year. The first thing necessary was that we should give the cultivators the correct information of the ruling prices in Calcutta. For that purpose we have set up 690 centres, which are mostly jute regulation organisations, and proposal for another 139 centres is pending. We expect to have 2,000 centres working during the next two seasons.

The next point is, as you are aware, that cultivators suffer from not knowing how to properly grade the jute. I admit that this year we have been able to do very little. So far we have set up seven jute-grading parties and steps are being taken to organise another 13, but I hope that during the coming season we shall be able to set up at least 100 such grading parties and I hope that the members realise its importance and how beneficial it may prove.

There is another subject which we intend to take up, that is, to set up warehouses and jutesale societies. Obviously the establishment of the warehouses and jutesale societies has to be done through the Co-operative Department and we have already approached the Co-operative Department and requested them to prepare scheme. (The Special Officer of the Co-operative Department has already undertaken to prepare a scheme). I hope that next season we will be able to have at least two, if not three, warehouses as an experimental measure and a few jute sale societies actually working.

Sir, I feel that I must refer to what Mr. Badrudduja said but who unfortunately acted contrary to that. He appealed to Government to rise above party politics on this jute question as it is the most important question affecting the well-being of the people of Bengal. Unfortunately, if one reads his speech from beginning to end, it has been nothing but party politics. He has accused the Government or the party by saying that they are trying to exploit the cultivators. If any one can be found guilty of trying to exploit the cultivators, it is Mr. Badrudduja and he has tried to do this today by moving this resolution.

There is just one point. As far as storage facilities are concerned I may mention that there have been storage difficulties and this has been brought

to my notice, and I can assure the House that we will take all possible steps that there should not be further encroachment and more arrangements will be made for increased storage in future.

Sir, I oppose this resolution.

Mr. SYED BADRUDDUJA: Mr. Deputy Speaker, I rise on a personal explanation.

The motion of Mr. Syed Badrudduja that this Assembly is of opinion that the statutory maximum price fixed for jute should be immediately abolished and be replaced by a statutory minimum price to be fixed every year in consideration of the current prices of staple foodcrops was then put and a division taken.

(While the division bell was ringing.)

Mr. SYED HASAN ALI CHOWDHURY: Mr. Deputy Speaker, Sir, the Hon'ble Minister has just said that Mr. Badrudduja is exploiting the cultivators. We are curious to know how Mr. Badrudduja is exploiting the cultivators, because we know that Mr. Badrudduja is a harmless person and that he is not an exploiter.

Mr. DEPUTY SPEAKER: You cannot ask that now.

Mr. SYED BADRUDDUJA: Sir, I wanted to rise on a point of personal explanation. The Hon'ble Minister wants to mislead the House. He has made a baseless insinuation and has said that I want to exploit the cultivators. I want most emphatically to repudiate that insinuation.

The division on Mr. Syed Badrudduja's motion had the following result:—

AYES—27.

Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Asimuddin Ahmed, Mr.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Kundu, Mr. Nishitha Nath.
Mafizuddin Ahmed, Dr. (Bogra).
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Patiram.
Sanyal, Dr. Nalinaksha.
Shamsuddin Ahmed, Mr.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.

NOES—53.

Abdul Aziz, Maulana Md.
Abdul Motaleb Malik, Dr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Ahmed Ali Mridha, Maulvi.
Alifazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Barma, the Hon'ble Mr. Premhari.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Das, Rai Sahib Anukul Chandra.
Faziul Quadir, Khan Bahadur Maulvi.
Faziur Rahman, Mr. (Dacca).
Ferguson, Mr. F. F. M.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Rai Sahib Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Mukerjee, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.

Mullick, the Hon'ble Mr. Pulin Behary.
Mustagawsai Haque, Mr. Syed.
Raikut, Mr. Prasanna Deb.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Stevenson, Mr. R. A. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. J. R.
Yusuf Ali Choudhury, Mr.

The Ayes being 27, and the Noes 53, the motion was lost.

Adjournment.

The House was then adjourned at 7-27 p.m. till 4 p.m. on Monday, the 11th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 11th December, 1944, at 4 p.m.

Present.

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 11 Hon'ble Ministers and 181 members.

STARRED QUESTIONS

(to which oral answers were given)

Dearth of Fish in Bengal.

*93. **Mr. J. R. WALKER:** (*a*) Is the Hon'ble Minister in charge of the Agriculture Department aware—

(*i*) that fish is an essential item of diet for the people of Bengal;

(*ii*) that there is an abundance of fish in the inland, estuarine and sea fisheries of Bengal; and

(*iii*) that owing to extreme scarcity and high prices, fish is at present unobtainable by a large section of the population?

(*b*) Will the Hon'ble Minister be pleased to state what steps have been taken by Government—

(*i*) to reorganise and expand the Department of Fisheries;

(*ii*) to increase the supply of fish to Calcutta and other urban areas;

(*iii*) to rehabilitate and organise the fishermen;

(*iv*) to organise the marketing of fish;

(*v*) to secure control over supplies and distribution; and

(*vi*) to regulate prices?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muzzamuddin Hosain): (*a*)(*i*) and (*ii*) Yes.

(*iii*) It is beyond the means of poorer people to buy better quality fish daily.

(*b*)(*i*) Government have already decided to expand the existing Department of Fisheries so as to include 4 Deputy Directors, 8 Superintendents, 32 District Fishery Officers and 90 Field Assistants. Some appointments have already been made, and difficulty is now being experienced in finding qualified persons for the higher posts. It is hoped that the Department will be in full strength shortly.

(*ii*) and (*iii*) Larger supply of fish depends partly on rehabilitation of the fishermen and partly on better transport facilities for fish. The needs of fishermen in the Province are being investigated by the District Officers as part of the rehabilitation programme and already considerable quantities of yarn have been supplied to the fishermen. The question of improving the transport facilities has been taken up with the railway authorities who have promised co-operation. One of the difficulties in the transport of fish in fresh condition is lack of adequate ice. To remedy this Government have appointed an Ice Controller whose business will be to maximise production and control distribution so as to make available a larger supply of ice for the fish trade.

(*iv*) In some of the principal fish assembly centres committees have been set up to organise proper distribution of ice and despatch of fish. It is hoped to undertake work on a larger scale as soon as the necessary staff have been appointed under the Fisheries Department.

(*v*) Owing to the perishable nature of fish it would be a difficult operation for Government to take over control of supply of fish. Government are advised however that if sufficient ice is made available and proper transport facilities provided, the supply and distribution of fish will improve under the existing organisation of the trade.

(*vi*) No effective control over price can be exercised without an increase in supply and provision of facilities for the movement of fish from the assembly centres to urban areas. These must first be secured before price control can be attempted; otherwise in the present general scarcity of fish in the Province, fish will be driven out of the urban areas by a control order.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state, with reference to answer (*b*)(*i*), how many Deputy Directors, Superintendents, District Fishery Officers and Field Assistants have actually been recruited?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Of the four Deputy Directors one has actually joined, as regards three others, we have not yet been able to secure the services of any but we are negotiating to bring one from Sind and the other from the Punjab. As regards Superintendents six have been appointed and another is going to be appointed very shortly. Of the 32 District Fishery Officers 26 have been appointed. Six could not be appointed as no qualified candidate could be found.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state what steps are or have been taken to secure properly qualified persons for the Deputy Directorships?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We are ransacking the whole country and we are asking for men with experience from all the Provinces. As a matter of fact, we have practically settled getting two men—one Mr. Naidu from Karachi and another Mr. Hamid Ali from the Punjab and regarding the third man we have not yet been able to decide.

Mr. A. F. STARK: With reference to answers (*b*) (*ii*) and (*iii*), will the Hon'ble Minister be pleased to state whether Government have taken any steps to secure motor launch transport for bringing in fish from the Sunderbans to Calcutta?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Only recently we have been corresponding with Australia to get some motor launches from there. No motor launch is available here. Motor launches fitted up with refrigerators are available in Australia. We are sending out orders for three or four of them as an experimental measure.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state whether Government have taken any steps to provide fishing boats to fishermen and facilities for repairing the existing boats?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is already being done in connection with rehabilitation of the fishermen.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if it is to be understood from his answer to question (*b*) (*v*) that he considers the existing organisation of the fish trade to be satisfactory?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is nothing very unsatisfactory on the face of it. There is, however, room for improvement, but we will think about it later on. First, we must supply facilities for bringing in fish in good condition and next, we will see whether there is further room for improvement in the organisation and we will do the needful.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the reasons for scarcity and high prices of fish?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It may be due to depletion of the fish population on account of over-consumption, no restriction and no close season for the catching of fish and also due to a large demand for fish in recent years.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that Government are purchasing fish in different districts for supplying to jails and hospitals at rates more than the controlled rates?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is no controlled rate for fish at all.

Mr. NISHITHA NATH KUNDU: There is.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether this scarcity of fish is not due mainly to the supply of fish in large quantities to the Military Department?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: To a certain extent it is.

Dr. NALINAKSHA SANYAL: With reference to the proposed purchase of Australian Motor vessels, will the Hon'ble Minister be pleased to state if the present Governor, who is an Australian, had anything to do with these imports?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No.

Dr. NALINAKSHA SANYAL: I have asked whether the present Governor has got anything to do with it.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We approached the Governor who gave all sorts of facilities.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any competitive tender has been invited from the suppliers of motor vessels of that type from various countries including Australia?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is only an experimental measure: we are getting only two or three.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have taken any steps to utilise some of the I. W. T. requisitioned motor vessels and steam vessels which are lying in the estuary and riverain tracts in the Sunderbans unused for a long time?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They are all required for military purposes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have opened negotiations with the military authorities to see if a portion of those vessels could be utilised for temporary civil purposes with the promise that as soon as they are required for military purpose they will be returned?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, they are not going to release any one of them.

Mr. J. R. WALKER: Is the Government satisfied that the fishermen are not being exploited by the middlemen?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As I have said, there is room for improvement.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to consider the desirability of making enquiries as to whether fishermen and consumers are being exploited by the trade and middlemen?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Some enquiry was made and we are prepared to make further enquiries.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether Government have taken steps to enquire as to which section of the community besides military is primarily responsible for over-consumption of fish?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Over-population in big cities is one of the causes.

Dr. NALINAKSHA SANYAL: With reference to the appointment of the Ice Controller, will the Hon'ble Minister be pleased to state what are the qualifications, salary and past earnings of the person who has been so appointed?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: One Mr. Watts has been appointed as Ice Controller. He was the Manager and Senior Partner of a firm and he was drawing Rs. 8,000. Now we are giving him out-of-pocket expenses of Rs. 1,200.

Dr. NALINAKSHA SANYAL: Which firm he was associated with?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that contractors for the military have been offering abnormal prices to the fishermen for purchasing fish and that is one of the reasons why the price of fish has increased?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is not so, and we have seen the contracts in the actual documents of these military contractors. Our idea was like that, but it is not so.

Dr. NALINAKSHA SANYAL: Is it a fact that the Ice Controller has no technical qualification and knowledge whatsoever in regard to refrigeration and business experience in the distribution of ice and other commodities?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: He has great administrative ability.

Dr. NALINAKSHA SANYAL: Sir, my question has not been answered. My question is whether the Ice Controller has any technical qualification of refrigeration or whether he has got any business experience in the distribution of ice and other commidities?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: He has got experience of a very high order.

Dr. NALINAKSHA SANYAL: What business he was connected with?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That I cannot say. He was a business magnate of Calcutta.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that he was only a solicitor, being a member of the firm of Messrs. Orr, Dignam & Co.?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No. He was a senior partner drawing Rs. 8,000 a month.

Dr. NALINAKSHA SANYAL: Which firm is it which gave him Rs. 8,000?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Babu MADHUSUDAN SARKAR: With regard to answer (*b*) (*ii*) and (*iii*), will the Hon'ble Minister be pleased to state how long the district officers will take to complete the investigation?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They are completing the enquiry from time to time and whatever requisitions they are sending we are meeting.

Dr. NALINAKSHA SANYAL: What is the period that this Ice Controller has been in office?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: About two months.

Dr. NALINAKSHA SANYAL: What is the effect that Government have had so far in the maximisation of direction or distribution of ice?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is arranged in such a way that we expect to get 80 tons of ice a day in addition to what we have been getting after another two or three months.

Dr. NALINAKSHA SANYAL: Has there been any increase in the total production of ice in the province?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Immediately there cannot be. Some plants have to be set up, others repaired and necessary accessories supplied. This will take three months. But he has got all the materials ready and he has proceeded in such a way that I am sure that in three months' time ice production will increase by at least 80 tons daily.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he has himself enquired into the technical qualifications of that gentleman?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, I do not think it was necessary.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state as to when does he expect the completion of appointments of all the necessary staff and when does he expect to confer the actual benefit of this organisation scheme on the civil population of the province?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is impossible to foresee when results will accure. We expect to finish recruitment of staff in two months or so.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether any of the district officers have mentioned that coal tar is an essential thing for fishing?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They have reported about coal tar but it is not available in substantial quantity and we are going to supply a substitute.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state the name of the substitute?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is called Cutch.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what quantity of yarn has been supplied to the fishermen?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how many fishermen have been supplied with yarn?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any boats were supplied to the fishermen?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Some have been supplied.

Dr. NALINAKSHA SANYAL: Is it a fact that through the good offices of the Provincial Textile Controller as well as the Director of Industries the yarn which was supposed to have been taken out for fishermen has been of counts higher than what the fishermen required?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I cannot say.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that some of the bales of higher count yarn made available in the name of fishermen have gone to the black market?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think that does not arise.

Mr. CHARU CHANDRA ROY: With reference to answer (*b*) (*ii*) and (*iii*), will the Hon'ble Minister be pleased to state what they have practically done for the rehabilitation of fishermen?

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: I draw your attention, Sir, to the fact that the original answer is that the supply of fish depends partly on the rehabilitation of fishermen, and now I ask what have they done for the fishermen.

Mr. SPEAKER: I am sorry I cannot allow that.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state what arrangement has been made to supply the fishermen with yarns for their nets?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As I have said, reports are coming from the district officers that they are being supplied with yarn through the Industries Department as far as possible.

Scarcity of vegetables in Calcutta.

*94. **Mr. I. C. KENNEDY:** (*a*) Is the Hon'ble Minister in charge of the Agriculture Department aware that the increasing scarcity and high prices of vegetables in Calcutta and other urban areas is causing hardship to the public?

(*b*) Will the Hon'ble Minister be pleased to state what steps have been taken by Government—

(*i*) to increase vegetable production in the Province;

(*ii*) to arrange for the import of vegetables from outside the Province;
(*iii*) to secure control over supplies and distribution; and
(*iv*) to regulate prices of vegetables in Calcutta and other urban areas?

The Hon'ble Khan Bahadur SYED MUAZZAMUDDIN HOSAIN: (*a*) Yes.

(*b*) (*i*) With a view to increasing the production of vegetables Government have been distributing since last year seeds of various types of vegetables—both English and Indian.

A scheme for growing of vegetables in the district of Darjeeling for supply to the Defence Services was sanctioned last year and is still being continued.

Another scheme has recently been sanctioned under which 1,650 acres at five centres in Badkula and Majdia in Nadia district, Balarampur and Beldanga in Murshidabad district and Majipara in Jessore district have been put under vegetables. Its estimated production is 60 to 70 tons a day of which 50 tons will be taken over by the Army and the surplus will be available for consumption by the civil population.

Government have also decided to bring in larger areas under vegetables and it is proposed to put 5,000 acres near Calcutta and 1,000 acres somewhere in East Bengal, preferably near Dacca, under cold weather vegetables.

(*ii*) No specific step has been taken to import vegetables from outside the Province. Vegetables are perishable commodities and with the present transport difficulties, it is not considered feasible to attempt a large scale import of vegetables from outside. Vegetables are however being brought in from other Provinces in the usual way, but the surplus available for export in the neighbouring Provinces is small.

(*iii*) and (*iv*) In order to secure effective control over distribution and prices, supply of a certain minimum quantity must be assured. Government are therefore exploring all possible avenues for increasing the production of vegetables so that there may be a regular supply. The present high prices are partially in sympathy with the rise in prices of other essential commodities. The question of controlling the prices of vegetables in Calcutta is not considered feasible without ensuring supply.

Mr. I. C. KENNEDY: With reference to reply (*b*) (*i*) will the Hon'ble Minister be pleased to state when vegetable supplies are likely to be forthcoming from 1,650 acres which has already been sanctioned?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: From the 15th December.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state when Government expects to give effect to the scheme near Calcutta of 5,000 acres of land acquired?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is being considered now. It has not passed the stage of sanction.

Mr. I. C. KENNEDY: Will the Hon'ble Minister be pleased to state if the vegetables which are to be available for civilian consumption will be distributed under Government supervision?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, arrangements will be made for distribution to the civilian market under Government control.

Mr. I. C. KENNEDY: Will the Hon'ble Minister be pleased to tell us when the vegetables are likely to be available from that 6,000 acres?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That scheme is only under consideration and is being matured and it will take time. By next year we will be able to make vegetables available from this area.

Mr. I. C. KENNEDY: Will the Hon'ble Minister be pleased to state whether the vegetables from the 6,000 acres will be available wholly for civilian consumption?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, that will be wholly for civilian consumption.

Small irrigation works for furtherance of "Grow More Food Campaign".

***95. Srijut MANINDRA BHUSAN SINHA:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that in furtherance of "Grow More Food Campaign" he proposes to spend money for small irrigation works to be executed through the agency of the District Boards?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what amount is allocated for each district;

(*ii*) what condition, if any, is attached to the utilisation of the amount;

(*iii*) how many Irrigation Schemes have been submitted for the district of Bankura; and

(*iv*) how many of them are schemes for re-excavation of the District Board's own *bundhs* which were dug as test works during previous years of distress?

Mr. J. N. GUPTA (on behalf of the Hon'ble Mr. Baroda Prosanna Pain): (*a*) Yes.

(*b*) (*i*) District Board Chairmen were called to a conference and were individually asked to send up schemes. Many of them have not sent up any scheme yet. It has not, therefore, been possible to make allotments for the various District Boards.

(*ii*) The main conditions are the following:—

(1) The cost of any scheme should not exceed Rs.10,000.

(2) The schemes should be approved by the Superintending Engineer concerned.

(3) The schemes should be maintained by the District Boards.

(*iii*) None. No complete scheme has yet been received. Only some names of *bundhs* for improvement of tanks have been received.

(*iv*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when the conference was called?

Mr. J. N. GUPTA: Some time in July 1944.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how many District Boards have sent up schemes.

Mr. J. N. Gupta: About 13 District Boards submitted the detailed schemes and others did not submit.

Mr. KAMAL KRISHNA ROY: With reference to answer (*b*) (*iii*) will the Hon'ble Minister kindly state who was to submit schemes?

Mr. J. N. GUPTA: From the information available it appears that no scheme has been received from the following districts:—

Jessore, Nadia, Murshidabad, 24-Parganas, Rangpur and Jalpaiguri.

Mr. KAMAL KRISHNA ROY: My question is who are to submit these schemes?

Mr. J. N. GUPTA: The District Engineers submit the schemes.

Mr. KAMAL KRISHNA ROY: Was he called?

Mr. J. N. GUPTA: The District Board is to submit its scheme through the District Engineer and the District Engineer is to submit the scheme to the Superintending Engineer.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any scheme has been sent by the Chairman, Tipperah District Board?

Mr. J. N. GUPTA: No.

Mr. KAMAL KRISHNA ROY: In his answer he has stated that District Board Chairmen were invited. Will he kindly state who is the Chairman of the Bankura District Board?

Mr. J. N. GUPTA: The Collector is the Chairman of the Bankura District Board.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what steps Government have taken to give effect to the schemes that have been sent up up to this time?

Mr. J. N. GUPTA: Government has advised the District Board to submit the detailed schemes with instructions how to do it. The District Board is to submit the detailed scheme through the District Engineer and the District Engineer is to submit to the Superintending Engineer and the Superintending Engineer after scrutinising the detailed scheme gives sanction.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any sanction has been obtained with regard to the schemes that have not been sent up as yet?

Mr. J. N. GUPTA: Yes.

Mr. DHIRENDRA NATH DATTA: How many sanctions have been obtained with regard to this scheme?

Mr. J. N. GUPTA: I want notice.

Moor Scheme in Birbhum district.

*96. **Dr. SHARAT CHANDRA MUKHERJI:** Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(a) what steps have been taken by Government regarding the Moor Scheme in the district of Birbhum;
(b) whether the review of the said scheme has been made;
(c) if so, what is the result; and
(d) if not, why not?

Mr. J. N. GUPTA (on behalf of the Hon'ble Mr. Barada Prasanna Pain): (a) and (b) The Motor Scheme was prepared in some detail in 1941 and the cost was roughly estimated at Rs.2,72,75,000. Detailed designs and estimates were however not prepared. The preparation of the detailed designs and estimates was not taken up then as it was considered that it would not be possible to undertake a scheme of this magnitude during the war. The question has since been reconsidered and it has been decided to proceed with the preparation of the detailed designs and estimates of this scheme. Accordingly an officer of the status of a Superintending Engineer has been asked to take up this work and to complete the preparation of the detailed scheme as soon as possible.

(c) and (d) Do not arise in view of the answers to (a) and (b).

(The House was at this stage adjourned for 15 minutes for prayer.)

(*After adjournment.*)

Arrest of Sj. Sisir Kumar Bose.

*96A. (SHORT NOTICE.) **Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether Sj. Sisir Kumar Bose, son of Shree Sarat Chandra Bose, has recently been put under arrest and detained, and if so, when; and

(b) whether it is a fact that he was studying in the Medical College and was an active member of the Medical Co-ordination Relief Committee?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) Yes; on 17th October, 1944.

(b) Yes, but I have no information if he was an active member of the Medical Co-ordination Relief Committee.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state under what section or rule of the Defence of India Rules or Defence of India Act he was arrested?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister know that the Police of the Special Branch and the Intelligence Branch keep a keen watch over the activities of persons whom they suspect?

Khan Bahadur MOHAMMED ALI: For security reasons it is not possible for me to answer that question.

Mr. NISHITHA NATH KUNDU: Did the Hon'ble Minister enquire about this information which was supplied to him, namely, that he was an active member of the Medical Co-ordination Relief Committee for which the Hon'ble Minister received proper and due notice?

Khan Bahadur MOHAMMED ALI: Sir, no enquiry was made.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the prisoner, namely, Sj. Sisir Kumar Bose has been informed of the charges against him?

Khan Bahadur MOHAMMED ALI: Sir, he was arrested under the orders of the Government of India and, therefore, any responsibility regarding the detention of the prisoner is Government of India's.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether when the Government of India directed the arrest of Sj. Sisir Kumar Bose, any case was forwarded to the Government of Bengal indicating the reasons for which the arrest was necessary?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether after the arrest of Sj. Sisir Kumar Bose, the Government of Bengal has ascertained the reasons from the India Government asking for the reasons of the arrest?

Khan Bahadur MOHAMMED ALI: That was not considered necessary.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether there is a file in the custody of the Bengal Government regarding Sj. Sisir Kumar Bose?

Khan Bahadur MOHAMMED ALI: For security reasons that answer cannot be given.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether after the arrest of Sj. Sisir Kumar Bose any file has been started regarding the actual arrest (I do not speak of any other file), containing communication between the Government of India and the Government of Bengal?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. SASANKA SEKHAR SANYAL: From that file is the Hon'ble Minister in a position to understand what are the reasons for the arrest and detention of this kind?

Khan Bahadur MOHAMMED ALI: For security reasons this answer cannot be given.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Government of Bengal themselves do know the reasons of the arrest?

Khan Bahadur MOHAMMED ALI: Again, for security reasons this answer cannot be given.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the prisoner has been informed of the reasons of his arrest?

Khan Bahadur MOHAMMED ALI: I said that he is a prisoner under detention under the orders of the Government of India and the prisoner is not in Bengal. So any question of any charges or the reasons for his arrest and detention is the responsibility of the Government of India.

Mr. SASANKA SEKHAR SANYAL: Where is the prisoner lodged now?

Khan Bahadur MOHAMMED ALI: Lahore.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that Mr. Bose was actively engaged as a member of the Medical Co-ordination Relief Committee, and was a student of the Medical College, and he had no time to mix with or take part in politics?

Khan Bahadur MOHAMMED ALI: I have already said that the Home Department have no information as to whether he was a member of the Medical Co-ordination Relief Committee.

Mr. SASANKA SEKHAR SANYAL: The Home Department only know that he is a son of Mr. Sarat Chandra Bose and that he must be arrested!

Khan Bahadur MOHAMMED ALI: He was not arrested by this Home Department.

Mr. SASANKA SEKHAR SANYAL: Mr Sarat Chandra Bose was also not arrested by the Bengal Government.

Khan Bahadur MOHAMMED ALI: That was in your time.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether it is an offence to take part in such social service, namely, medical co-ordination and relief?

Mr. SPEAKER: Mr. Kundu, that question does not arise, because it is stated that they have no information.

Mr. CHARU CHANDRA ROY: Is the Hon'ble Minister aware that Mr. Sarat Chandra Bose was arrested during the regime of the last Ministry by the Intelligence Branch and was released by the then Cabinet, and is it in pursuance of that liberal policy of Government to bring Mr. Sarat Chandra Bose in Bengal and release him that Mr. Sisir Kumar Bose, his son, was arrested?

Mr. SPEAKER: I disallow that question.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether it is within the knowledge of Government that Mr. Sisir Kumar Bose was ever associated with any subversive activities?

Khan Bahadur MOHAMMED ALI: For security reasons the answer cannot be given.

Some particulars about Securiy Prisoners.

***97. Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to lay on the Table a statement showing the total number of security prisoners in Bengal—

(*i*) on the day the constitution was suspended by His Excellency under section 93 of the Act; and

(*ii*) on 24th April, 1943, when new Ministry was formed?

(*b*) Will the Hon'ble Minister be pleased to lay on the Table a statement showing since the 24th April, 1943—

(*i*) the number of security prisoners released;

(*ii*) the number of security prisoners who have been granted family allowance;

(*iii*) the total amount of such monthly family allowances, if any;

(*iv*) the number of security prisoners who have been granted study allowance;

(*v*) the total amount of such study allowance, if any; and

(*vi*) the amount of personal allowance granted to security prisoners?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether any Tribunal has been set up to review the cases of security prisoners;

(*ii*) if so, how many cases have been so reviewed; and

(*iii*) whether the charges against each security prisoner have been communicated to each of them for his information?

(*d*) Will the Hon'ble Minister be pleased to state whether the manifesto regarding the security prisoners issued by the Chief Minister on the eve of his forming the present Cabinet have been implemented since his assumption of office?

(*e*) If so, in what ways?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*)(1) Political security prisoners—1,647.

(2) Criminal security prisoners—2,458.

(*a*) (*ii*) (1) Political security prisoners—1,577.

(2) Criminal security prisoners—2,500.

(*b*) (*i*) (1) Political security prisoners—552 on the 24th November, 1944.

(2) Criminal security prisoners—171 on the 24th November, 1944.

(*ii*) and (*iii*) The information is not readily available and its collection would involve an amount of time and labour not justified in this time of emergency.

(*iv*) to (*vi*) Nil.

(c) A Tribunal was set up in July, 1942, when the number of security prisoners was below 400. No Tribunal has been set up since the formation of the present Ministry. Cases are, however, constantly reviewed and those whose continued detention is no longer necessary are released. Section 7 of the Restriction and Detention Ordinance, 1944, provides for communication to each security prisoner of the grounds on which he is detained so far as it can be done without disclosing facts the disclosure of which would be against the public interest. This provision has been and continues to be complied with. Under another provision of that Ordinance, each case has to be reviewed at least once in 6 months.

(*d*) and (*e*) No manifesto regarding security prisoners was issued by the Chief Minister on the eve of the formation of the present Ministry. The Chief Minister did make a statement promising a national approach of the problem of security prisoners and immediate examination of their legitimate grievances regarding treatment, etc. This promise has been fulfilled in the following, amongst other, ways:—

(1) Detailed review of all cases and the release of all who could, subject to the overriding consideration of public security, be released.

(2) Immediate increase in the diet allowance to Re.1-8.

(3) Introduction of a liberalised policy in the matter of family allowance.

(4) Liberalisation of the conditions of treatment of security prisoners, in respect of (*i*) interviews, (*ii*) correspondence, (*iii*) visits to near relatives in cases of serious illness and return of old clothings at the time of release and grant of passage money.

(*i*) In addition to interviews provided in the Bengal Security Prisoners Rules, reasonable requests for interview with legal advisers or on business matters have always been and still continue to be granted.

For reasons of security it had been necessary for a time to impose restrictions on interviews allowed with security prisoners detained in the Midnapore Central Jail. These restrictions have now been removed.

(*ii*) Adequate censoring staff has been posted and complaints or representations regarding delay in censorship of correspondence are now negligible.

(*iii*) Government have accepted and put into effect the principle that subject to the overriding consideration of security, arrangements should be made to enable security prisoners to visit their near relatives who are seriously ill.

(*iv*) Orders have also issued for the return of old clothings to prisoners on release and for the grant of sufficient passage money.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*) (*ii*) and (*iii*), will the Hon'ble Minister be pleased to state whether the information asked for is available in the Secretariat with the Secretary, Home Department?

Khan Bahadur MOHAMMED ALI: The information is available in the Secretariat, but as I have said the compilation of statistics will involve an expenditure of time and money which would not be commensurate.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state how much time, the Government think, it will take to compile the statistics necessary?

Khan Bahadur MOHAMMED ALI: That is a matter of opinion. I cannot state how long it will take, but it will take some time and the labour involved in the task will not be sufficient compensation for the answer to be given.

Mr. ATUL CHANDRA SEN: What is the Government's information as to the length of time required?

Khan Bahadur MOHAMMED ALI: I cannot say offhand, but it will be about three months.

Mr. CHARU CHANDRA ROY: With reference to answer (*c*), is the Hon'ble Minister aware that the Tribunal recommended the release of some of the prisoners?

Khan Bahadur MOHAMMED ALI: I have explained on the floor of the House previously that this Tribunal was set up before the August disturbances when the previous Ministry was in office. The recommendation of the Tribunal was not given effect to by the last Ministry because of the disturbances created in August 1942.

Mr. SANTOSH KUMAR BASU: Was it the recommendation of the Tribunal that their findings should not be given effect to?

Khan Bahadur MOHAMMED ALI: Mr. Basu who was a member of the last Cabinet must know that it was the last Ministry that did not give effect to the recommendations of the Tribunal.

Mr. SANTOSH KUMAR BASU: Was it a part of the recommendations of the Tribunal that their findings should not be given effect to in view of the disturbances in August 1942?

Khan Bahadur MOHAMMED ALI: No, it was not part of their recommendations but it was a decision of the last Ministry of which Mr. Santosh Kumar Basu was a member.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Minister quite sure that it was not included in the recommendations of the Tribunal that they should consider whether in view of these disturbances at all effect should be given to their findings?

Khan Bahadur MOHAMMED ALI: I am not sure of that.

Mr. SANTOSH KUMAR BASU: Be sure and then answer.

Khan Bahadur MOHAMMED ALI: There was no definite recommendation to that effect.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that in case of prayer for leave to see ailing relations of security prisoners the necessary formality of enquiry takes such a very long time that prisoners cannot go and see their ailing relatives who die before they see them?

Khan Bahadur MOHAMMED ALI: That is not correct. The honourable member is probably referring to a case of which I know the facts. I might say that the policy of Government is that a security prisoner is to be allowed to visit his near relation if the condition of the patient is serious, but the journey to the place and back to the jail must be completed within 24 hours. In case the near relation happens to be in a district outside and not near the place where the prisoner is confined, in that case some enquiries have to be made whether the authorities will be able to take the responsibility. Therefore some delay takes place sometimes and in the particular case to which the honourable member refers Government passed orders for the transfer of the prisoner to another jail. It was done as early as Government could manage, but unfortunately the prisoner reached the station at a time when the relative was too ill but not dead. So, the prisoner could have an interview before the death of his relative.

Mr. ATUL CHANDRA SEN: With reference to answer (*d*) and (*e*) (*4*), will the Hon'ble Minister be pleased to state whether it is a fact that repeated requests by one Srijucta Sarol Kumar Sen, a security prisoner in the Midnapore Central Jail, to see his ailing daughter laid down with a serious type of Kala-Azar have been turned down?

Khan Bahadur MOHAMMED ALI: I am not aware of it. I ask for notice.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that there have been cases where prisoners have been granted leave and taken to the destination, but due to the mismanagement and bungling of local authorities and police, the prisoners could not be brought to see the ailing relations in time—in one case before the patient became unconscious?

Khan Bahadur MOHAMMED ALI: It is not due to the bungling of police or any other authority. Sometimes, in such cases, it will be agreed that some delay takes place because of the necessary enquiries that have to be made and because of the necessary arrangements that have to be made for the conveyance of a prisoner from one jail to another.

Mr. P. BANERJI: With reference to answer (*d*) (*4*) (*iii*), what has happened to the application made by two security prisoners Messrs. P. N. Banerji and S. K. Banerji who were lodged in Rajshahi Jail to see their ailing mother?

Khan Bahadur MOHAMMED ALI: I ask for notice. I cannot give particulars regarding applications made by security prisoners unless previous intimation or notice is given.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that in the case of one Dr. H. N. Bhattacharji, L.M.S., who was then lodged in the Rajshashi Jail and who prayed for leave to see his ailing mother, the Government granted the prayer and further granted his release, but the release order was suppressed in the jail for six days with the result that he could not reach the place before the death of his mother?

Khan Bahadur MOHAMMED ALI: I am not aware of it. I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*d*) (*2*) and (*3*), will the Hon'ble Minister be pleased to state whether these increases in the diet and family allowances which the Government have proclaimed have at all been commensurate with the prices prevailing at that time?

Khan Bahadur MOHAMMED ALI: That is a matter of opinion. But this Ministry after taking office has increased the diet allowance by cent. per cent.

Mr. NISHITHA NATH KUNDU: In view of the information supplied by me, does the Hon'ble Minister think it desirable to initiate an enquiry into the bunglings and mismanagement of the local officials to see that their good policy of granting leave on prayer is implemented?

Khan Bahadur MOHAMMED ALI: I cannot agree that there has been any bungling, but if the honourable member wants me to look into the question of delay that takes place, that can be done.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that there are still jails in Bengal in which the jail authorities are not issuing fresh clothings to security prisoners unless they returned their old clothings?

Khan Bahadur MOHAMMED ALI: No, the Government's information is otherwise. Their information is that the old clothings are not only allowed to be taken away by security prisoners but also they can be sent to the relations of security prisoners, if so desired.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister think it desirable to enquire into the rule of issuing fresh cloths to the security prisoners who are lodged in Dum Dum Jail, for the reason that there has been some grievance over this issue and there has been some trouble going on over this?

Khan Bahadur MOHAMMED ALI: If the honourable member desires, an enquiry can be made with regard to this question of return of old cloth.

Dr. NALINAKSHA SANYAL: With reference to answer (*4*) (*iii*) will the Hon'ble Minister be pleased to state if he is aware that in the case of Asoke Bhatta detained in Berhampore Jail the facility for seeing his dying father, Dr. Panchanan Bhatta at Berhampore, was denied and the father did die?

Khan Bahadur MOHAMMED ALI: I have already expressed my inability to answer about any particular security prisoner unless notice is given.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if at the present moment Government have got a petition from prisoner Tarapada Gupta, detained in the Dum Dum Central Jail, for seeing his father reported to be very seriously ill?

Khan Bahadur MOHAMMED ALI: Again I would like to express my inability to answer any question in regard to a particular individual security prisoner unless previous notice is given.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what machinery has been set up to ensure the proper discharge of the obligations laid down on Government officers as a result of the policy that the Government has laid down, namely, the arrangements for enabling security prisoners to visit their near relatives who are seriously ill?

Khan Bahadur MOHAMMED ALI: No special machinery has been set up for the purpose but Government officers have been directed to give effect to the principle laid down by this Ministry.

Dr. NALINAKSHA SANYAL: What measures are taken in case Government officers fail to carry out the policy laid down?

Khan Bahadur MOHAMMED ALI: If the matter is reported to Government Government will certainly take action.

Mr. HARIPADA CHATTOPADHYAY: Will the Hon'ble Minister be pleased to state if he is aware that, though their dietary allowance has been increased, the security prisoners as a rule take their diet according to the scale and that is the same as before?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. ATUL CHANDRA SEN: With reference to the answer that the Hon'ble Minister made a statement promising a national approach of the problem of security prisoners, will the Hon'ble Minister be pleased to state whether he is aware that in the Dum Dum Special Jail the security prisoners are not given sufficient quantity of salt for their food?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. NISHITHA NATH KUNDU: With reference to answer (*b*) (*v*), in view of the announcement made by the Hon'ble Chief Minister that he

was considering about study allowance, will the Hon'ble Minister be pleased to explain why even after so long a time and after so much of consideration no study allowance has been granted to any single security prisoner?

Khan Bahadur MOHAMMED ALI: The question of study allowance is still under the consideration of the Chief Minister.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given, will the Hon'ble Minister be pleased to state when does he expect to give effect to that announcement?

Khan Bahadur MOHAMMED ALI: I cannot say when decision will be arrived at. The matter is under the consideration of the Chief Minister.

Ration Shop in Faridpur town.

*98. **Mr. BIRAT CHANDRA MANDAL:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if it is a fact that a ration shop in Faridpur town has been allotted to one Fazlu Mia who is the uncle of Maulvi Abdus Salam Khan, Secretary of the Faridpur District Muslim League.

Mr. ABDULLA-AL MAHMOOD (on behalf of the Hon'ble Mr. H. S. Suhrawardy): Maulvi Fazlar Rahman (*alias* Fazlu Mia) is a ration dealer in Ward No. II of Faridpur town. He is maternal uncle of Maulvi Abdus Salam Khan, Secretary, Faridpur District Muslim League.

Scarcity of some essential articles in Dinajpur district.

*99. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(*i*) that kerosene, *atta*, flour and salt are not available in the district of Dinajpur, to meet the requirements of the consumers;

(*ii*) that *atta* and flour could not at all be supplied by the District Civil Supply office to the consumer of the town of Dinajpur, during the *Pujahs* and for about a month nearabout that time;

(*iii*) that ration cards were issued fixing quantities of such articles;

(*iv*) that the quantities so fixed were much less than usual requirements for the families;

(*v*) that salt is selling at Rs.20 per maund;

(*vi*) that coal is not available to the people of Dinajpur;

(*vii*) that the quantities of coal that reach Dinajpur town at long intervals are sold to the high Government officials in large quantities under permits issued by the District Supply Officer; and

(*viii*) that very little coal is given to the public?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) how many consignments of coal reached Dinajpur during the years 1943 and 1944;

(*ii*) the names of permit-holders who were issued permits on each occasion by the authority in Dinajpur, with their designations;

(*iii*) the quantities of coal they were permitted to buy on each occasion; and

(*iv*) the total quantities of coal that reached Dinajpur in each consignment?

Mr. ABDULLA-AL MAHMOOD (on behalf of the Hon'ble Mr. H. S. Suhrawardy): The position in June, 1944, was as follows:—

(*a*)(*i*) It is not a fact that kerosene, *atta* and salt are not available. Only flour is not available, but it is expected to be available soon.

(*ii*) It is not true that *atta* could not at all be supplied. The fact is that the supply was not entirely adequate to the demand. Flour could not be supplied.

(*iii*) Yes.

(*iv*) No.

(*v*) There was abnormal rise in the price of salt for a short period owing to non-arrival of consignments. It is now being sold at annas 3 per seer.

(*vi*) The amounts desired are not available due to difficulties in transport.

(*vii*) No. Small quantities of coal are sold both to Government officials and public under permits, the major portion to the public.

(*viii*) No. The consignments of coals received were, however, insufficient for the demand.

(*b*)(*i*) 1943—12 consignments.

1944—One consignment.

(*ii*) and (*iii*) As the available coal was issued to a considerable number of persons and not a few favoured persons, the figures are not readily available.

(*iv*) 1943—20 tons approximately in each of 12 consignments.

1944—11 tons.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what steps they propose to take to ensure sufficient supply of fuel and coal in that district?

Mr. ABDULLA-AL MAHMOOD: Already allotment has been made and coal is being despatched regularly nowadays.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state why flour could not be supplied?

Mr. ABDULLA-AL MAHMOOD: It was also on account of transport difficulty.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state on what basis this reply (*a*) (*ii*) has been given, namely, that it is not true that *atta* could not at all be supplied?

Mr. ABDULLA-AL MAHMOOD: Some quantity of *atta* was supplied, but the quantity was not such as to meet the requirements of the whole town.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister think it desirable to refer to the entries in the Ration Cards of the period in question and find out whether there is any entry in the column of *atta* supplied to the people of Dinajpur?

Mr. ABDULLA-AL MAHMOOD: I have no information as to whether there is any entry or not.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if Government inspected the permits issued to Government officers in respect of coal?

Mr. ABDULLA-AL MAHMOOD: After proper enquiry it was seen that permits had been issued to almost all dealers and all people, and very few have gone to the Government officials.

Mr. NISHITHA NATH KUNDU: Is Government aware that from the permits which are still reserved with the dealers, it will be found that in case of permits for Government officials they were allowed to take 10 or 15 maunds each month whereas non-officials were allowed to take only one maund?

Mr. ABDULLA-AL MAHMOOD: Unless there is some specific instance cited, Government is not ready to accept the statement.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given, will the Hon'ble Minister contradict if I say that the District Magistrate of Dinajpur was given permit for 15 maunds whereas individuals are given permits for one maund only every month?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Sir, he wanted a specific case.

Mr. ABDULLA-AL MAHMOOD: If the honourable member gives a specified date, of course the matter will be looked into.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that the controlled rate of salt is higher than three annas per seer in Dinajpur?

Mr. ABDULLA-AL MAHMOOD: It is three annas in the town, it may be a little higher in the rural areas.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that salt is still being sold in Dinajpur district, in mofussil areas, at 10 annas per seer?

Mr. ABDULLA-AL MAHMOOD: No, Sir.

Mr. ATUL CHANDRA SEN: With reference to the specific instance just given by the honourable member about supply of coal to the District Magistrate, will the Hon'ble Minister be pleased to enquire into the matter?

Mr. ABDULLA-AL MAHMOOD: Unless the honourable member can furnish to this House the specific dates of the instances in question, Government cannot undertake any enquiry.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state when was this question received in his office from the Assembly Department?

Mr. SPEAKER: You know that. I disallow the question.

Filling up of vacancies of Assistant Section Holders in Bengal Government Press.

*100. **Maulvi MD. ABDUS SHAHEED:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether a petition signed by certain employees of Bengal Government Press, praying for consideration of the interest and claim of Muslim and Scheduled Caste compositors according to Communal Ratio Rules when filling up vacancies in the posts of Assistant Section Holders in the said Press, has been received by him?

(*b*) If so, will the Hon'ble Minister be pleased to state, what action has been taken on the petition?

(*c*) Is it a fact that the petition has been rejected on the ground that 8 vacancies in the said posts have just been filled up by Caste Hindu compositors only by promotion as Communal Ratio Rules do not apply to these vacancies?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact that—

(*i*) compositors belong to permanent-piece (no work, no pay) establishment whereas Assistant Section Holders belong to salaried establishment;

(*ii*) compositors' work is purely technical whereas Assistant Section Holders' work is purely clerical;

(*iii*) maximum grade of compositors is Rs.125 and above whereas maximum pay of Assistant Section Holders is Rs.90 only;

(*iv*) posts of compositors and those of Assistant Section Holders are not in the same line;

(*v*) posts of an Assistant Section Holder is an entrance to get into Branch Supervision staff which consists of Assistant Section Holders, Section Holders and Composing Overseer; and

(*vi*) an Assistant Section Holder gets promotion to the post of a Section Holder and Section Holder to the post of Composing Overseer?

(*e*) Is it a fact that vacancies in the posts of Assistant Section Holders were filled up in 1941, according to Communal Ratio Rules?

(*f*) If the answers to (*c*) to (*e*) are in the affirmative, is the Hon'ble Minister considering the desirability of filling up the vacancies in the posts of Assistant Section Holders according to rules 4, 7 and 9 of Bengal Service Recruitment (Communal Ratio) Rules, 1940, to safeguard the interest of Muslim and Scheduled Caste employees in the Bengal Government Press?

(*g*) If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): (*a*), (*d*)(*i*) and (*vi*) Yes.

(*b*) The petition was rejected and the petitioners were informed through Superintendent, Bengal Government Press.

(*c*) The petition was rejected because Communal Ratio Rules have no application in the case of promotions.

(*d*)(*ii*) Compositors' work is technical. The work of Assistant Section Holders is also mainly technical though it includes a certain amount of clerical work as well.

(*iii*) Maximum grade of compositors is Rs.150 (old grade) and Rs.125 (revised grade). Maximum pay of Assistant Section Holders is Rs.98 (old scale) and Rs.90 (revised scale).

(*iv*) No, they are in the same line of service.

(*v*) No, the post of compositor is an entrance into Branch Supervision Staff by promotion.

(*e*) No.

(*f*) and (*g*) No. Communal Ratio Rules have no application as the vacancies are filled up by promotion.

AMENDMENTS OF THE BENGAL LEGISLATIVE ASSEMBLY PROCEDURE RULES.

Ruling of Mr. Speaker on the point of order raised by Dr. Syamaprasad Mookerjee.

Mr. SPEAKER: I am now to give my decision on the point of order raised by Dr. Syamaprasad Mookerjee. I have been asked in this point of order to rule out the motion moved by Hon'ble Sir Nazimuddin for leave to introduce the proposed amendments to the Bengal Legislative Assembly Procedure Rules on the ground that they are inconsistent with the provisions of the Government of India Act, 1935, and are *ultra vires* of the Assembly.

Rules for the conduct of business of the Assembly are framed under the powers given to the Chamber of a Provincial Legislature by section 84(*1*) of the Government of India Act, which runs as follows: "A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business:" Then follows a proviso which empowers the Governor in his discretion to make certain rules in consultation with the Speaker relating to certain

specific classes of business. It is thus clear that rules framed by a Chamber of a Provincial Legislature for regulating their procedure and the conduct of their business must be subject to the provisions of the Constitution Act and any rule repugnant to the provisions thereof will be *ultra vires*.

Now, it is contended in the present point of order that section 84(*1*) does not authorise a Chamber of a Provincial Legislature to invest the Governor with any power in excess of the powers given to him by the proviso so far as the procedure and conduct of business of the Chamber is concerned and the rule of interpretation *expressio unius exclusio alterius*, that is, expression of one thing is exclusion of the other has been canvassed in support. It has been argued that the proposed amendments to the rules virtually involve proposal for amendment of section 84 of the Government of India Act which this Assembly is incompetent to do and the maxim that what you cannot do directly you cannot do indirectly; to do so would be a contrivance to evade the Act of Parliament, a fraud on the Statute, has been similarly canvassed. It is further contended that section 84(*1*) provides for the internal control of the business of the Chamber and no authority outside the Chamber can be vested by the Chamber with power to control the conduct of business in the Chamber except as expressly provided in the proviso to section 84(*1*). This argument is sought to be strengthened by reference to the fact that the Governor is not a member of the Chamber and as such a stranger to it, not subject to the control of the Chamber; and it is argued that he can function in relation to the Chamber only and in the manner and to the extent as expressly provided in the Act itself and not otherwise. The proposals, it is contended, involve delegation of power to an outside authority not authorised by law. Some of the proposed amendments to the rules are thus challenged as illegal and *ultra vires* of the Assembly.

Government, on the other hand, maintain that section 84(*1*) gives unfettered power to a Chamber of a Provincial Legislature to make rules for regulating their procedure and the conduct of their business and there is nothing in the Act which restricts the power of a Chamber to invest the Governor with powers such as are intended to be given to him by the proposed amendments and reference has been made in support of this contention to the existing rules wherein the word "Governor" occurs.

It may be stated at once that the existing rules wherein the word "Governor" occurs have no bearing on the question raised. They may or may not be *ultra vires* and their existence in the Assembly Procedure Rules prove nothing one way or the other.

The real question that falls for decision on the present point of order involves interpretation of section 84(*1*) and some other relevant sections of the Government of India Act. This is a question of law not quite free from doubts and difficulties and much can be said on either side. Apart from other reasons I, however, think that I am not called upon to give any decision on this important constitutional question necessitating the interpretation of the Statute on the simple ground that the point of order does not arise on the present motion. The motion before the House is one for leave to introduce the proposed amendments. I am to decide about the regularity or otherwise of the motion before the House and not to give any decision as to whether or not some of the proposed amendments are *ultra vires* of the Assembly. I could have understood the point of order at this stage if the proposed amendments in their entirety were challenged as *ultra vires*. But that has not been done and could not possibly be done as undoubtedly some of the proposed amendments are *intra vires* and have not at all been challenged as illegal or *ultra vires*. In these circumstances I do not see how I can rule out the motion of Sir Nazimuddin. The point of order fails and is disallowed. The motion is in order.

Is there any objection to leave being given?

Mr. A. K. FAZLUL HUQ: Yes, Sir.

Mr. SPEAKER: In that case the procedure would be that if Sir Nazimuddin wants to make a statement he may do so and then the Opposition may make a statement.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in support of my main motion I would like to state very briefly that the question of guillotine, that is the main principle behind my motion, is whether it would be a procedure by which we can restrict the debate and fix it at any stage of the proceedings of this House. Now, I may tell, Sir, that the principle behind this motion is not a new one and in other legislatures of the world it has already been adopted. As I said before, Sir, the question is whether the principle of guillotine *par se* is right or wrong. The question whether it should be by Government or by an *ad hoc* resolution is one of detail which can be discussed in the Select Committee. The Select Committee can discuss and may decide if they so choose—it may be by means of an *ad hoc* resolution. (Dr. NALINAKSHA SANYAL: Government's mind is open!) Yes, on this motion Government's mind is open. This is the point and I hope that this resolution would be allowed to go to the Select Committee, as in the past when these rules were framed, most of my friends will bear me out that they were carried in a very friendly atmosphere by means of give and take; and I do not remember if on any question it was decided by means of voting. Mostly we got our rules through by means of mutual agreement and I do hope, Sir, that the same thing would apply to these rules. I still hope that if this resolution is allowed and the rules are sent to the Select Committee, we will be able to come to an amicable settlement. (Mr. NISHITHA NATH KUNDU: Do Government propose to stick to that or they want to carry the rules by a majority vote?)

Mr. A. K. FAZLUL HUQ: Sir, your ruling overruling the objection made by Dr. Syamaprasad Mookerjee takes the Bill before the House to the position which it occupied when Sir Nazimuddin introduced the Bill.

Before I make my submissions regarding the reasons why we oppose the introduction of this Bill, I wish to point out to the House that there are various matters over which there can be no compromise between Government and the Opposition. When Government wants to barter away the rights of the people, the representatives of the people would not be worth their salt if they came to any understanding with Government regarding the proposal that they make. I am coming to that later.

Sir, at the present moment, before I go into details, I wish to say a few words regarding certain remarks of Sir Nazimuddin on the day he moved this motion. I was not present in the House, but I read a newspaper report and if that report is correct, Sir Nazimuddin is reported to have said that the difficulty on the part of the members of the Opposition lay in the fact that they cannot distinguish between Governor acting with Ministers, Governor acting in his discretion and Governor acting in the exercise of his individual judgment. I submit, Sir that it is a most impertinent remark for which Sir Nazimuddin deserves the severest condemnation. He should not have forgotten that in the ranks of the Opposition there are lawyers who have attained to eminence in their profession and who owe their sucess at the Bar to sheer merit and not to the adventitious aid of birth, favour or fortune. (Laughter in Ministerialist benches). To insinuate that they cannot understand this elementary principle is an effrontery of which only the present Government can be capable. I know, Sir, that they have a majority of heads, but we have got a majority of brains. (Laughter.) If they have got more heads we have got more brains. (Dr. NALINAKSHA SANYAL: Hear, hear.) Not once or twice but times without

number have we shown that although there are heads without brains, as a matter of fact heads have been defeated and decision has been taken by brains.

Now, Sir the Minister and his supporters seem to be very hazy about what these expressions mean. I will take a very few minutes of this House to explain to this Assembly the real constitutional position. I ask my friends to remember that Mr. J. N. Basu and myself are the two and only members of the legislature who had the privilege of having been invited to the Round Table Conferences (Khan Bahadur MOHAMMED ALI: Is this relevant?) and who knew first hand what had taken place in London, the course of discussions and the reasons behind. (Interruptions from Ministerialist benches.) (Mr. M. SHAMSUDDIN AHMED: Read the Evidence Act and you will understand.) Sir, instead of interrupting me my friends might usefully listen to what I say and if they have got any modicum of brain left they will be able to understand what is meant by these three expressions.

Now, Sir, Sir Nazimuddin has really given his case away when he pointed out what he means is that the Governor acting with his Ministers and since the Ministers are members of the Legislature the delegation will not be to an outside body. I want to point out, Sir, to the Chief Minister that it is here that the danger lies. Briefly stated, the whole field of Provincial Constitution can be divided into three heads—Governor acting with his Ministers in which case under the Instrument of Instructions the Governor is bound to consult his Ministers and bound to take their advice; Governor acting in his individual judgment in which case he is bound to consult his Ministers but not bound to accept their advice; and Governor acting in his discretion in which case far from accepting the advice of his Ministers he is not even bound to consult them at all.

Now, Sir, if it is Governor acting with his Ministers, it is really the Ministers who are to decide the question. The Governor's name is invoked, because it is really the Governor who acts on all occasions. Therefore the position will be that if a Minister introduces a Bill and says that it will not take more than two hours in the Assembly, a more monstrous proposition cannot be conceived of. I think that if Sir Nazimuddin care to consider this question calmly, he will be able to realise that, in order to carry out certain pet schemes of his own it is really laying the axe at the root of liberty which this House should be allowed to enjoy under the Constitution. Sir, the idea under the Constitution Act was to give India the utmost possible limit of Self-Government consistent with public safety and also what the Parliament considers its duty towards various interests. But the idea also was that we should go more and more into the realms of liberty and freedom and our liberty and freedom should be broadened from precedent to precedent. We should take a step forward in order to enlarge the powers of this House. But instead of that here is a reactionary proposal proposing to cut down the powers of this House and to a certain extent delegate the power, it does not matter to whom, but someone, somebody, some constitution apart from this Legislative Assembly. The whole matter may be put in a nutshell. At the present moment, it is the Legislative Assembly which can put a closure.

It is proposed that in addition to the Legislative Assembly or in supersession of its power somebody else should have the right to declare that the closure shall be put after a certain period, after a certain amount of discussion. I submit, Sir, that if this is not curtailing the powers of this House, I fail to see what curtailment really would mean and if I am correct, it is obvious that the Bill should be opposed finally on this very simple ground that it curtails the liberty, the powers and the privileges of the House. I do not wish to say anything further at this stage. I beg, on behalf of the Opposition, to oppose this motion.

The motion of the Hon'ble Khwaja Sir Nazimuddin that leave be granted to introduce the proposed amendments of the Bengal Legislative Assembly Procedure Rules was then put and a division taken with the following results:—

AYES—101.

Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Majid, Mr. Syed (Noakhali).
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badi Ahmed Choudhury Khan Bahadur Haji.
Barat Ali, Mr. Md.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Birkmyre, Sir Henry, Bart.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Farhut Bano Khanam, Begum.
Faziul Quadir, Khan Bahadur Maulvi.
Faziur Rahman, Mr. (Dacca).
Faziur Rahman, Mr. (Mymensingh).
Ferguson, Mr. F. F. M.
Gladding, Mr. D., C.I.E.
Golam Rabbani Ahammad, Maulvi.
Gomes, Mr. R. A.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Hatemaliy Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Hodge, Mr. H. R.
Ispahani, Mr. M. A. H., M.B.E.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Leisk, Mr. John.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Methold, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Pain, the Hon'ble Mr. Barada Prosanna.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Stevenson, Mr. R. A. H.
Suhrawardy, the Hon'ble Mr. H. S.
Thorman, Mr. C. M.
Walker, Mr. J. R.
Walker, Mr. W. A. M., C.B.E.
Whitehead, Mr. R. B.
Yousuf Mirza.
Zahur Ahmed Choudhury, Maulvi.
Zilliur Rahman Shah Choudhury, Maulvi.

NOES—59.

Abdul Hafiz, Mr. Mia.
Abdul Majid, Maulvi (Mymensingh).
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Barman, Mr. Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Dr. J. M.

Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dekal, Mr. Harendra Nath.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Fazlul Huq, Mr. A. K.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Hashem Ali Khan, Khan Bahadur Maulvi.
Jalaluddin Hashemy, Mr. Syed.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Masud Ali Khan Panni, Al-hadj Maulvi.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Nandy, Maharaja Srischandra, of Cossimbazar.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Mr. Dhirendra Nath.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Singha, Maharaja Bhupendra Chandra, of Susang.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Bramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Wallur Rahman, Maulvi.

The Ayes being—101 and the Noes—59, the motion was carried.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the amendments to the Bengal Legislative Assembly Procedure Rules be referred to a Select Committee consisting of——

(1) The Hon'ble Mr. Tulsi Chandra Goswami,
(2) The Hon'ble Mr. K. Shahabuddin,
(3) Mr. Mukunda Behari Mullick,
(4) Khan Bahadur Mohammed Ali,
(5) Dr. A. M. Malik,
(6) Mr. Fazlur Rahman (Dacca),
(7) Mr. A. F. Stark,
(8) Maulvi Abu Hossain Sarkar,
(9) Dr. Syamaprasad Mookerjee,
(10) Mr. Syed Badrudduja, and
(11) the mover,

with instructions to submit their report by the 17th of December, 1944, and that the quorum of the Select Committee be fixed at five.

Sir, I do not want to take much time of the House. Sir, I want to make it as clear as possible once again and this I do for the purpose of doing away with the apprehension that has been created in the minds of the members about the manner in which the guillotine procedure is to be carried out. As I have said before, Government have got an open mind. Government are of opinion that we have got to have some sort of procedure by which we can get important and urgent Bills through the House at short-notice, even if there be a strong opinion against that Bill and that no urgent and important Bill should be prolonged in such manner as to make it almost impossible to get through the House. The question was, what was the best method of doing it. I am prepared to accept on the floor of the House that the only difference between the method we have proposed and the method adopted in other legislatures of the world is that we have done it by means of rules whereas practically in all other cases, it is generally done by means of an *ad hoc* resolution. Well, Sir, as I have stated, as far as Government are concerned, they have considered the question of principle whether the guillotine procedure should be used or not. The method is one which needed discussion in the Select Committee and I have got an open mind and I hope when we sit at a table, we will be able to come to an amicable arrangement. It is a well known fact that in the House of Commons this is a recognised method and I have been told, though not officially, that

those who were interested in the Secondary Education in England as recently as the time when the Parliament proceeded with the Secondary Education Bill in the committee of the whole House, found it necessary to apply the guillotine procedure to get it through, because discussions took such a long time that that was the only way to do it. I am told that this was done in England by a responsible member——

Dr. NALINAKSHA SANYAL: Only for a small part of the Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: Whatever that may be, this principle was used as recently as 1943 or 1944. Sir, I have nothing further to say and I hope in view of what I have stated my motion will be referred to the Select Committee without any opposition.

Dr. NALINAKSHA SANYAL: Sir, I rise to——

Mr. SPEAKER: I think the best course would be to move the amendments first.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I beg to move, by way of amendment, that the proposed draft amendments to the Bengal Legislative Assembly Procedure Rules, be referred to a Committee of the whole Assembly with instructions to submit their report by 31st December, 1944, and that the quorum of the said Committee be fixed at 50—whether it is 1944 or 1945, I do not know because, I have given two motions of which one should be 1945.

Although not very many words are necessary for exposing the utterly reactionary character and the retrograde object of this proposed amendment, still, Sir, we have got to submit before the House, the clear implications of the measure which is intended by the Government so that not only members inside the Legislature, but also the larger public outside may be in a position to understand in what hands their destinies are made today. Sir, under rule 115 of the Assembly Procedure Rules, the House can amend their rules and that the procedure in so far as to Bills as may be applicable will apply for such motions also. But, Sir, you find that although the procedure relating to Bills is made applicable by our own rule 115, still the fundamental thing that we come across in a new Bill, namely, the statement of objects and reasons, is not in this proposal. Sir, the Hon'ble the Chief Minister has spoken three times, but in the three educating speeches that he has made he has only referred to the principle of guillotine, but may I ask him in all humility why after several long years of functioning of this legislature at the end of 1944, such guillotine is being found necessary. I quote the Chief Minister himself that when the original rules were framed they were framed after discussion in a friendly spirit. Now, Sir, may I ask today, why this principle of guillotine is sought to be poured down the unwilling throat of this legislature. Sir, the Statement of Objects and Reasons is not here but the object is undoubtedly clear. The object is fourfold, if not more. The first object is to divest yourself of the powers that you possess for presiding over the deliberations of this House. The second object is to gag the Opposition. The third object is to stifle democracy, because after all democracy is nothing, but Government by discussion and if discussion is proposed to be throttled, democracy is bound to be stifled. And the fourth object is for getting larger powers for the Governor and the Government.

Now, Sir, we on behalf of the Opposition propose to fight against this measure even with the back against the walls and we want to fight tooth and nail on these four grounds. First, of all, Sir, let us consider the propriety and wisdom of handing over more powers to the Governor or the Government. So far as the Government is concerned, even in this House the Government, according to principles of democracy,

is to stand or not to stand on the same footing as the Opposition. So it is an unthinkable proposition from the democratic point of view that in matters of discussion within the House which affect the destinies of the people outside, the Government should get the upper hand and should determine the course of debate in the matter of which the Opposition has got as much right and say as the Government, if not more. For, after all, Sir, Government is supported by a party and things which are brought before the House are undoubtedly discussed within the party and the party as a whole, come to a decision and they may not have reason or occasion for speaking in support of their proposals on the floor of the House. But the Opposition is not supposed to know the reasons and the implications, the purpose and the object of the mover which is proposed to be brought on the floor of the House. Therefore the Opposition has an inalienable right of speaking over the subject matter and there may be times and occasions, when the Opposition will speak not only on party basis, but every member has a right to speak out the voice of his constituency. We have also proceeded on that line, but there are matters and matters and to quote, Sir Nazimuddin, again we have opposed the Government, have resisted, but during the last seven years we have been able to function as legislature with Government on one hand and the Opposition on the other. But today it is extremely suspicious, it is alarming, to say the least of it, that the Government proposed to have larger powers at the cost of the Opposition.

Sir, let us be clear in our minds. When Sir Nazimuddin was referring to the Secondary Education Bill in England probably he was also referring to the Secondary Education Bill in Bengal (Maulvi AHMED ALI MRIDHA: Yes; quite so). I am very glad that Maulvi Ahmed Ali Mridha has said "yes". Well, Sir, barring Secondary Education Bill three or four Governments that have functioned in this House found no difficulty in carrying on and transacting business for which we are here and if in the matter of Secondary Education Bill, the Opposition resisted in such a way and to such an extent that with the ordinary powers in hand Government could not pour down the throat of this unwilling province that hated Bill——

Mr. SPEAKER: Mr. Sanyal, we must now rise for prayers. The House stands adjourned for 15 minutes for prayers.

(The House was at this stage adjourned for 15 minutes for prayers.)

(After adjournment.)

Mr. SASANKA SEKHAR SANYAL: Sir, I was just referring to what was considered to be the exigency by the stalwarts of the Government Party, namely, the Secondary Education Bill. There are two aspects from which even that matter has got to be considered. The first is that the guillotine which will be available will not apply only to the Secondary Education Bill. It will hang over the head of all Bills that will come up before the Assembly and when the Hon'ble Chief Minister referred to the Secondary Education Bill of England, he probably was unmindful of the distinction between the procedure, the adoption of guillotine for a resolution in respect of a particular matter before the House or even a part of it and a general guillotine made available or applicable to all Bills at the whim of the Government or the Governor. If the Secondary Education Bill could not be passed in the teeth of Opposition, I submit, Sir, with all the emphasis and in all humility, that the Government instead of trying to ride roughshod over the feelings and the arguments of the Opposition ought to have recast and revised its own attitude towards this question and should have cried halt in the matter.

Sir, as I was just speaking the basis of Parliamentary Government, as is well-known by this time, even in this feminine democracy of our

dave country (A VOICE FROM THE OPPOSITION: Neuter); no, it is not neuter, because the Government is subservient to another head and therefore there is one masculine and another feminine. Now, Sir, this Parliamentary Government in our country cannot flourish within its limitation unless there is freedom of discussion and debate. It is stated that the power will be used in the name of the Governor. Excuse me, Sir, I am not going to criticise the Governor as such, but although the Instrument of Instructions says that sometimes the Governor will take the advice of the Ministry, sometimes the Governor will differ from the Ministry in certain matters, but, here, Sir, in our unfortunate Province at our cost we have known that the Governor always comes to the aid of the Ministry, whenever the Ministry is in danger. Look at what was done by Sir John Herbert. A perfectly constitutional Government backed by the majority of the House was holding the Treasury Benches up till the end of March, 1943. Then, Sir, Sir John Herbert, as that Ministry was not subservient to him, in his anxiety to get hold of a Ministry that might be handy and useful, in a perfectly unconstitutional manner unknown to acknowledged canons of democracy, dislodged the constitutional Government of that day, and then after an *interim* arrangement under section 93, brought into the Treasury Benches persons and parties, who at least on that day did not enjoy the confidence of the majority in the House and outside. Thereafter everybody knows how power is consolidated. Therefore, that one example ought to have been sufficient to put the Province and the public on guard against giving any power to the Governor. My friends of the European party know better than ourselves that in England democracy meant gradual infiltration of power and authority from the monarch down to the people. But here, in our Province although those persons are serving as limbs of this House and although they have now no programme of their own, still they pretend to function on the principles of British democracy. Sir, here we are every day finding that instead of power coming from the high to the low, from the top to the bottom, the little power that is enjoyed or enjoyable by the bottom is being carried upwards by an inverse process. Even, Sir, look at the history of the last session of the Assembly. There were no-confidence motions simultaneously with the Secondary Education Bill. It was not the Opposition which was responsible for the Secondary Education Bill not having a free passage, but it was a trembling Government which was responsible for that. Simultaneously with the Secondary Education Bill on the floor of the House, there was a large number of actual and prospective no-confidence motions against the Ministers. But what did the constitutional Governor do? The Governor instead of giving the basic right to the Opposition to have the matter fought out on the floor of the House, in a highly unconstitutional manner in order to save the Ministry of the day, suddenly prorogued the House on the advice of the Ministers. So, Sir, if we have to look at the matter from the Governor's point of view or if we have to approach the matter from the point of view of the Ministry, we will find that the consequence is the same, namely, that so long as the Ministry is safe, all business will be carried on, but whenever the Ministry is not safe, the guillotine will be applied not only to the pending Secondary Education Bill, which was being discussed at that time, but the guillotine will be applied to the whole House. Therefore, Sir, we, on this side of the House, are absolutely certain in our minds that we cannot barter away even a grain of the elementary privileges that we have a right to enjoy as members representing popular constituencies. If the Governor wants to have any power, the Ministry need not help him. The Governor can apply section 93, whenever necessary and advised. I am even not sure that the Governor cannot apply the Defence of India Rules, even in the matter of rationing the speeches and

the proceedings of this House. If the Governor wants to curtail the length of the debate and put it into ration, well the Governor can seek the advice of law stalwarts and can seek to apply the Defence of India Rules, for the purpose of pruning the proceedings, but we are not going to be a party to that. If we are a party to this, we are practically playing to the latest theory that democracy is not suited to India. These friends and supporters of the Government party, who are holding the key position, have many weapons up their sleeves and one of the latest is that democracy is not suited to the conditions and circumstances of India, and if we pass this resolution, if we accept this motion, and if we agree to the curtailment of our rights of debates and speeches, that will only amount to a confession of failure of democracy in the premier Province of India. I would ask my friends opposite—I can understand their anxiety to have certain Bills passed, and I do not blame them for that—whether in their anxiety to have a temporary business done, would it not be a height of unwisdom to adopt a procedure which, for the time being, may be handy for the purpose, but which for all time to come will cut at the root of all democracy and liberty of the House. Sir, the Hon'ble the Chief Minister was referring to the precedents of the House of Commons. He was also saying that his mind was open. May I ask him why, if his mind was open, and he was really anxious for guillotine, why did he not bring up this matter in the shape of a resolution, as was done in the House of Commons, because, after all, a resolution of the House is a decision of the House, and it can be made applicable to a particular object. Sir, as I was saying at an earlier stage, although we are opponents, still we are friends, and we have got a common cause in our heart, namely, the betterment of the Province and the millions, who are behind us. In spite of acrimony and heated opposition on the floor of the House, we have pulled on during the last seven years, and let us hope that we are coming at the end of the first chapter of Provincial Autonomy. This House is not going to be a permanent House, and we should have to hand over some legacy to our posterity. (Maulvi MUHAMMAD ISRAIL: But in Bengal you are opposing that.) Quite true; but then in order to spite us are you going to cut your own nose? That is the whole question. If it is your case that you want to have a special power for a special business, why are you going to have a general power for all time to come which will be absolutely suicidal and detrimental to the growth of parliamentary life in this Province. My friend Mr. Israil is probably thinking of the matter in a spirit of injury. He is probably thinking that if the Secondary Education Bill was not passed, the Opposition is responsible for that. Sir, the Opposition has got a part to perform. The Oppsoition is not dittocracy dittoing the Government. The Opposition has got to express their view point after Government have expressed their own (Uproar.) Sir, I did not expect that my friends of the Government party will confess their helplessness in the matter of getting a business done. If they are helpless, God only can help them, but the Opposition cannot be gagged or silenced just as the Opposition was never silenced in any part of the world at any time in history. Then, Sir, coming to the question from another point of view, namely, your point of view—the position of the Speaker, the power which is being proposed to be handed over to the Government and the Governor is a power which is vague. Even if we do not obey the Speaker at times still the Speaker is the custodian and the spokesman of the House and if we disobey the Speaker, the Government ought to strengthen his hands and not take away that power and hand it over to somebody else, the Governor. Sir, as a lawyer, I have known of encumbered estates being handed over to receivers and liquidators and I have yet to know if this House and the Government are so encumbered and involved that unless the estate is handed over to the Governor, they cannot thrive,

and live. The Government may try to get shelter in the receiver, namely, the Governor, but we, on this side of the House are not prepared to hand over a single grain of our interest which, we contend, has got to be functioned and used by the Speaker in his wisdom. Sir, it is a very serious matter so far as you are concerned. I have no doubt in my mind that the Government applied their mind seriously to this matter after they had failed to get the passage of the Secondary Education Bill. Probably they had also to consider, whether they could have their convenient Speaker in the matter. I do not know. They had weighed the *pros and cons* and probably that was not a useful procedure to adopt for the time being, but then if this motion is accepted and if the powers of the House are curtailed, I maintain, Sir, that this goes as a direct no-confidence motion against the Chair and we have to take the matter in that spirit. So far as the general question is concerned, namely, whether such a guillotine is necessary at all, I contend that such a guillotine is unnecessary, because the rules which we have framed for the purpose of governing and guiding our debates on the floor of the House are sufficiently clear and they ensure the safe conducting of the proceedings of the House according to the requirements of the occasion. For example, Sir, what will the Governor do? The Governor or the Government will fix a time-limit, but there are ample powers given to you under the rules. For example, under rule 41, you can impose a time-limit for speeches.

Mr. A. M. ABDUL HAMID: But he did not.

Maulvi Mohammed ISRAIL: I think you did not allow him to do it.

Mr. SASANKA SEKHAR SANYAL: That is another question. If the Speaker did not do that bring a straight vote of no-confidence against him and have a convenient and handy Speaker for the purpose. Under rule 46, it is always open to any member of the House to apply for a closure and if you in your wisdom are convinced that there has been full and reasonable debate, you put the matter. Then, Sir, you will find members from the opposite side contending that we did not allow them to do all this. Even then limitations on debates are prescribed under rule 12: "The matter of every speech must in the opinion of the Speaker be relevant to the matter before the Assembly, and a member while speaking may not use his speech for the purpose of wilfully obstructing the business of the Assembly". That would also sufficiently ensure reasonable debate. Then again under rule 116, you have, Sir, got the power: "The Speaker may, by orders not inconsistent with these rules, provide for matters for which no provision is made and may give such directions as may be necessary for giving effect to these rules and such orders". May I ask you whether the Government before bringing up this matter before the House called for a conference of the party leaders and the Speaker. For after all, if there is a business on the floor of the House, every member is interested in that business, whatever may be the angle of vision. It cannot be said that a business of the House is the monopoly of the Government. Business is a privilege of the House. Sir, when this particular motion refers to the rights of members as such, I submit, it is monstrous that the Chief Minister did not even place, the matter before the Committee of Privileges, which is there. You, in your wisdom, have, on several occasions, been pleased to observe that privileges have not yet been defined, but in any case the right of a member to speak on a matter is undoubtedly a privilege and a Privilege Committee has already been formed by you. It is only fair and courteous on the part of Government, before this matter was brought on the floor of the House, to have placed it before the Committee of Privileges and before you? I am sure that Government also did not consult the Speaker in this matter in order to

find out the ways and means for ensuring passage of business in a particular matter consistent with the rights of the members to speak on the subject. After all, we have got our liberties. These liberties are fundamental and they cannot be taken away merely, because Government think that it is necessary to do so.

Maulvi Mohammed ISRAIL: You abused your liberties.

Mr. SASANKA SEKHAR SANYAL: Sir, my friends on the other side are making running comments that the Opposition prevented this and that. But the Opposition has never been silenced anywhere in the world and the Opposition will never be silenced in this House. They, the party in power, may think that by putting members in jail they will make themselves happy. Well, illusion is sure to come. They may think that the business of the House would be better conducted by putting a halter round the neck of the legislators and by having the Governor forestalled over the heads of the members. This may please their vanity for the time being but this will not ensure safe conducting of business. The Opposition has never existed on the bounty or favour of the Government and whatever the chains of bondage that may be forged out of Government brains they will never succeed in gagging the Opposition, because if the Government hold power today, the Opposition speaks out the voice of tomorrow and in this respect it is only fair and it is only wise that members of Government who are trying to support this preposterous and retrograde measure cry halt. Sir, you know that truth has never been silenced. Gallilo was imprisoned but the truth he discovered had never been imprisoned. Jesus Christ, whose followers and apostles are here, was crusified, but then his sermon on the mount was never crusified nor imprisoned. Similarly, Sir, we, on this side of the House, claim to represent the growing voice and the progressive views of the masses and we claim we are giving this assurance that the chains that will be forged will enmesh the Government more and more but will never succeed in entangling or imprisoning the voice of the Opposition.

Sir, Sir Nazimuddin spoke out his mind in a way which is different from the spirit of the motion as it is worded. If he is really serious and anxious to have the matter settled in a friendly way, he ought to withdraw this motion and bring it up in a more acceptable form. If he is giving this assurance on behalf of the Government with an open mind, I, on behalf of my party and the Opposition in general, can claim to give reciprocity in that way. We have also got an open mind. If he wants to have an open mind from the Opposition it will not do merely to say that he has an open mind. He has got to place the cards on the table. He has got to respect the dignity of the House and he has got also to take into confidence the leaders of the Opposition as friends. After all, it is said in England the Government consists of His Majesty's Treasury Benches and the Opposition. If he follows precedents in England, he ought to follow that precedent here also. He must realise that the Government must be guided not only by their own desires and the desires of their party men but they must also be amenable to the influence and suggestions which are available to them from the Opposition. We have fought, Sir, with our back against the wall and we have kept our heads cool, but we assure the Hon'ble the Chief Minister that whatever may occur our heads will never be lowered down.

Mr. SPEAKER: Dr. Sanyal.

Dr. NALINAKSHA SANYAL: I sought your permission, Sir, to move another short-notice amendment instead of this one, namely, that in place of 17th December, 1944, the words 15th January, 1945, be substituted.

Mr. SPEAKER: Yes, then you do not move this amendment.

Mr. FAZLUR RAHMAN: Sir, I beg to move that the following names be added to the personnel of the Select Committee, namely,—

(1) Dr. Nalinaksha Sanyal,
(2) Rai Harendra Nath Chaudhuri,
(3) Mr. Abul Hossain Ahmed, and
(4) Mr. Upendra Nath Edbar.

Mr. GIASUDDIN AHMAD: Sir, I beg to move that in place of Mr. Abu Hossain Sarkar the name of Mr. Syed Jalaluddin Hashemy be substituted.

Dr. NALINAKSHA SANYAL: As a matter of fact, it is not a question of substitution because technically speaking it was not moved. His signature was not available and so his name was not included.

Mr. FAZLUR RAHMAN: Yes, there is the consent of Mr. Abu Hossain Sarkar.

Dr. NALINAKSHA SANYAL: Sir, in moving my amendment to the original amendment of the Hon'ble Sir Nazimuddin in the amended form that the Select Committee be instructed to report by the 15th January, 1945, I beg to submit some observations generally on the entire scope of the present measure and the project that we in this House should have in connection with the examination and implications of the rules. I have no hesitation in admitting that I was not quite prepared for the generous gesture of the Hon'ble Sir Nazimuddin in this House and I was trying to buck up my loins to give him a good fight for the measure as a whole as well as for the method of dealing with the same. But, Sir, the atmosphere that has been created this afternoon by the assurance freely and generously given by Sir Nazimuddin that Government keeps an open mind in connection with this measure and that the only thing he desires of the House is to accept the reference to the Select Committee is the idea of having some sort of limitation by way of enabling the Government to pass important Bills of legislation at a quicker pace than has been possible so far within the four corners of the Assembly. On that distinct understanding I welcome a reference to the Select Committee. This idea of referring a measure of this character to a committee of the House is welcome, more because Sir Nazimuddin has along with it generously offered the promise that he will be prepared not to exercise voting rights and powers in that discussion but he will try and get together and find out some kind of measure best suited for this House by mutual agreement of all sections of the House. Sir, I must state at the outset that when this motion was first circulated to us we on this side of the House felt extremely unhappy and that for obvious reasons. I feel that this draft was really not a draft for improving the procedure of this House as such but it was with a view to suppress one member of this Legislature (Laughter).....and that was my humble self. I also felt that it was more a condemnation of my humble self, and probably indirectly the Speaker of this House rather than a genuine attempt to improve upon the procedure of this Legislature——

Mr. SPEAKER: You bracket me with you! (Laughter.)

Dr. NALINAKSHA SANYAL: Yes, Sir. I would like to disabuse the minds of the members of this House of any idea that they or any section of them might hold regarding the conduct that I had been compelled or impelled as a public duty to adopt in this House at various stages of certain important legislations. It may be recalled that Governments have come and Governments have gone, but so far as the pernicious measure of Secondary Education Bill was concerned, whether

it was Sir Nazimuddin's Government or Mr. Fazlul Huq's Government, it was the Congress Assembly Party that systematically said and said against the proposed measure at every stage and demanded that there should be no communal legislation passed through the House merely by a majority and even by a supposed agreement. In that connection when we failed to convince the majority of those who were in authority we had to take recourse to certain measures which might have resulted in delaying the legislation and I submit that this delaying has done good to the province and it has been of benefit to both the communities, the Hindus and the Muslims and also to the minority communities (Mr. K. NASARULLA: Question!).....However, that is for the posterity to decide.

Sir, the history of Secondary Education Bill will show that at one stage certain rules of the Assembly had to be kept suspended under the authority of the Speaker which when the Opposition pointed out were not very regular, the Speaker was pleased to reopen and revise the previous decision. It would also be recalled that at one stage a member of the Bengal Legislative Council who as a Minister of State happened to be in charge of Education portfolio claimed to be automatically and *ipso facto* by virtue of his office as Minister, the Chairman of the Select Committee and the Opposition had to draw attention to that procedure and although the majority in their pertinacity tried to push through the operations of the Select Committee, the Speaker with the authority of the Advocate-General of Bengal, as well as with the concurrence of and the approval of the President of the Indian Legislative Assembly did declare that that procedure was *ultra vires*. Sir, it was also experienced that some of the Ministers were not sufficiently studious—I will not use any strong term in today's atmosphere—they were not sufficiently industrious as to keep themselves abreast of the requirements of work in the Select Committee and they depended more on their Secretaries, departmental or parliamentary, and they wanted the presence of a number of them in Select Committees. We had even then opposed and had to point out that this would be irregular, because a Select Committee was supposed to be a committee of this House and if the Minister was not competent enough or was not industrious enough to conduct the proceedings of the Select Committee properly, he could only take the advice of outsiders as experts, but he could not allow them to be in the Select Committee all along and try to guide the deliberations of that Select Committee directly or indirectly. That objection of ours was also upheld by the Deputy Speaker and it was done with the full support of the Advocate-General, as well as the concurrence of the President of the Indian Legislative Assembly.

At a later stage, it had fallen to our lot again to point out the manner in which a crushing piece of legislation was going to be taken over our heads in spite of most reasonable and logical arguments on behalf of the Opposition, and as members belonging to a minority that could never possibly get into a majority in a House constituted under the constitution of 1935 Act, we felt called upon again in public interest to take recourse to methods which some friends might have thought to be obstructive. These so-called obstructive methods, or what are more technically known in the United States of America, as filibustering, have not been unknown to the legislatures of the world and we had protracted the debates daily expecting and hoping that some gesture would come from the majority side and that they would realise the seriousness of the situation and try to have adjustment made in view, specially of the most serious objections raised by the Opposition and the strong feelings inside the House as well as outside. The present measures are the direct outcome of the Opposition that was put forward systematically and through all stages to the Bengal Secondary Education Bill of 1940, 1941 and 1943. History will record the circumstances and I would only invite the

attention of this House to the fact that the Opposition's efforts have not gone in vain. If we have not been able to convince the majority, we have at least been able so far to soften the ire and the definite determindness or rather the desire of a certain section of the Government in power, and we had sat thereafter for a number of days in conferences to explore the possibilities of some kind of adjustment even at this stage. It is only for the time being that those conferences are held in abeyance, but I hope and trust it is in the interest of the province and the country that the Government of Sir Nazimuddin would yet reopen those negotiations and discussions over that measure and before he thinks of taking recourse to extraordinary powers as proposed under the present measure or in future measure of this character, he would yet find out some possibility of coming to an agreement which will make it absolutely unnecessary to take recourse to measures of this character.

Sir, I have during the last few weeks carefully studied the rules of procedure as well as the convention regarding limitations of debate in various legislatures of the world. Some have had a chequered history and some others, in spite of great difficulties, have definitely set their face against any measure of this character. In a very illuminative book on this subject of Legislative Procedure by Luce, it was stated that the "accurate expression of the majority will is only to be secured by adequate debate, conducted with freedom enough to permit every useful contribution of ideas and opinions, and with deliberation enough to exclude as far as practicable the untoward influences of precipitancy and passion. To this end there must be different stages of consideration and then opportunity for reconsideration. There must be protection against surprise and against fraud". This is a very healthy principle that the author, who is a remarkable scholar of parliamentary procedure, lays down in the introduction of his book. He further lays down that "the rules of any Legislature or Congress are nothing but a 'gentleman's agreement', wholly dependent on the good faith of the participants". This is a very healthy principle indeed. We, in this House, would like to approach these rules and amendments thereto not from the point of view of party opportunities or party domination, but mainly from the point of view of maximising legislative work consistent with free scope of discussion and representation of all viewpoints, with a gentleman's agreement amongst the members of this House so that maximum privileges of the members can be secured. It has been rather unfortunate that of late there are signs of the Government of the day looking upon the legislative procedure of this House as their own matters in which the Government are more interested than the Opposition. I submit, Sir, this is a wrong view of things and in fact the rules exist more for the orderly business of the House and for protection of the minorities than for giving any protection to the majority who never need any such special protection.

Professor Luce goes on, "The minority insist on only the right to be heard. Theirs is the cry of Themistocles to Eurybiades—'Strike, but hear me. Give them, but the chance to present their arguments, fairly, fully, and they will abide the issue."

"Parliamentary practice", Francis Lieber stated, "or rules of proceeding and debate, such as have been developed by England, independently of the executive, and, like the rest of the common law, been carried over to our soil (that is, America), form a most essential part of our Anglican constitutional, parliamentary liberty. This practice is not only one of the highest importance for legislatures themselves, but serves as an element of freedom all over the country, in every meeting, small or large. It is an important guarantee of liberty, because it serves like the well-worn and banked bed of a river, which receives the waters that, without it, would either lose their force and use by spreading over plains,

or become ruinous by their impetuosity when meeting with obstruction." Thus, Sir, the sanctity of these rules go beyond the precincts of this legislature. The whole country looks up to the procedure in the House as their ideal for conducting proceedings of every public meeting or organisation and proceedings of all public bodies. Therefore, Sir, we have a responsibility more than ordinary. It has been stated, and very pertinently, that so far as the rules are concerned "All usages and laws which relate to debating.....are of essential importance to liberty itself, and they must be considered as one of the safeguards of liberty which we possess in advance of the ancients". Further on, Joseph Story—who was one of the most eloquent and capable Speakers of one of the States of the United States of America, he came from Massachusetts—defined that "the rigid enforcement of these rules, while it enables the majority to mature their measures with wisdom and dignity, is the only barrier to the rights of the minority against the encroachments of power and ambition". The same keynote is noted in the rulings of many an authority on parliamentary procedure. Sir, in view of the approach that we have started this evening, I shall not detain the House with many such quotations, but I cannot help quoting one or two other important maxims which have been laid down in this book—one by Root in the Senate of the United States in February, 1915, where he says "The purpose of rules is to establish a course of conduct which shall be a protection to the minority and preserve them in the performance of their duties against arbitrary repression on the part of the majority. The functions of the minority are as important to the preservation of representative Government as are the functions of the majority. It is the duty of the minority to insist upon discussion, consideration, publicity, openness, to bring out and keep in the full sunlight of public knowledge the conduct of public business; and, Sir, there is no right of liberty in a Republic more essential and vital than is the preservation and the protection of the minority in the performance of their duty".

In the same strain, Thomas Jefferson, who is the author of Jefferson's Manual or *Magna Carta* of Parliamentary Procedure of the United States of America in his Manual recalled that Mr. Onslow, one of the ablest Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding: that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power". So far, said Jefferson, the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time. The wantonness of power is but too often apt to suggest to large and successful majorities.

I feel, Sir, that it might be boresome to the House, if I continue to give you some of the results of my studies in this connection, but I can tell you briefly that there is no legislature in the whole world where an attempt has been made in the manner which has been proposed in the present set of rules. But there have been rules where the House retains power in its own hands to have urgency declared on particular Bills by *ad hoc* motions in the legislature; and there are certain rules in some progressive legislatures providing similar procedure within the rules as well.

It may be pointed out that the present set of rules will be substituted by a new set providing similar measures and the Select Committee might examine those rules in the light of the suggestions and assurances given there. I would only humbly submit that having regard to these the House of Legislature in other countries have adopted closure motions as well as guillotine motions not without qualms and not without serious consideration. Even in regard to closure motions which followed a systematic obstruction of a section of Irish Nationalists in the British House of Commons in 1881, even in regard to them there were four definite restrictions put down on that method of closure and the Standing Orders that evolved at a later stage and incorporated in the British House of Commons Rules of Procedure give definite powers in the hands of the Speaker to examine, firstly, whether there has been sufficient debate; secondly, whether the minority's rights were or were not going to be infringed: And even so, no closure motion could be moved except when the Speaker was in the Chair and except where a substantial majority; which was originally 200 and now 100, of the members of the House of Commons remained present to vote. In regard to urgency motion or rather guillotine motion as it is more commonly known (RAI HARENDRA NATH CHAUDHURI: As it is nicknamed), there have been very rare cases of its use, and whenever such motions have been put into operation generally speaking they have related to matters of grave urgency and of great national importance. We do hope and trust that although such power may be given to the House, the House in its wisdom will not try to take recourse to such power on any and every occasion merely because it knows full well that Government have a majority and they can pass anything with the help of that majority.

In regard to this position of the majority dictating things, what happens is that the House loses all its interest in legislation and the character of the debate goes down terribly. In the classical book on "Law and Custom" by Anson, Anson lays down that the effect of the closure has been noticed to be twofold. First of all, the exercise by the majority of the power of bringing discussion to a close tends inevitably to accentuate party differences. There has been no instance in which the ruthless exercise of the right of the majority to close a debate has moved the proceedings in the House and every time such attempt has led to bitter experiences leading often to the intervention of the Speaker in the exercise of his authority to maintain order in the House. I have got some of these parliamentary procedures. Almost in every case, such attempt at curtailing the right of debate has led to disorder in the House and the Speaker had to intervene.

The second defect or the second painful effect that has been noticed is—and this is not from my lips, but from one who is considered to be an authority on Parliaments as well as other legislatures—that in the course of the guillotine there is not only the danger of the minority being shut out, but there is also the danger of the majority deliberately trying to waste the time at the beginning of the period keeping important debates to be guillotined by the Speaker. It is a blocking measure that we have found in the past. I hope and trust that when the Select Committee will examine these proposals carefully they would keep in view the danger of the majority blocking out important matters of debate which would be essential for the country and for improving the legislation. While they would be anxious to curtail the liberty of a particular minority.....

Khan Bahadur MOHAMMED ALI: You will be there. Please do it before the Committee.

Dr. NALINAKSHA SANYAL: The House must know. The third important drawback is this that when discussion goes on on party lines in

this way, the House loses all interest and the result of discussion is known beforehand. Argument is met by silence in the House and by numbers in the division lobby. The public take little interest in speeches which merely serve to postpone a foregone conclusion. Such is the debasing effect of the motions of the character proposed to be introduced. Before the House accepts any motion, these are the experiences of other countries and the maxims laid down by experts in the line which I do hope the Hon'ble Chief Minister and the party in power will carefully examine and the Select Committee will apply its mind properly. I have tried to collect the existing methods of closure——

Khan Bahadur MOHAMMED ALI: Sir, he is making out a case for guillotine by his long-winded speeches.

Dr. NALINAKSHA SANYAL: The British House of Commons adopted this with great reluctance. There have been three different methods of limitations of debate. The first is by time-limit and allotting particular days for particular Bills; the second is through closure application and the third is by guillotine and this guillotine or closure by compartments has been supplemented by other measures which are called first simple closure, the second consequential or compartmental closure or guillotine and the third kangaroo closure by which the Speaker has been given the right to take out such amendments as in his judgment require more time and better application of the House and the mind of the Members out of their turn. Generally speaking, the House of Commons has adopted these rules and procedure with great reluctance and every time a proposal of this type is put forward, the House has examined it through a prolonged debate. Lately in 1932, a House of Commons Committee was appointed to go through the question over again and to find out whether in view of the mounting up nature of the public business in the House of Commons, it would be possible to shorten the procedure so as to pass more volume of business through the House in a shorter time and after careful examination of all the implications, that House of Commons Committee of 1932, came definitely to the conclusion that there need be no further change. The present rules are quite enough and they should not be in any way expanded. The Committee realised that the principle of majority rule—this is a very relevant quotation from the House of Commons Paper 129 of 1932—is a fundamental convention upon which all Parliamentary Government is built, but this must collapse in proportion as the principle of protection of minority begins to decay. The Committee was unanimously of the opinion that the procedure of Parliament is sufficiently flexible to meet all the demands made upon it and divergence of opinion there was only regarding the primary function of Parliament, namely whether Parliament should serve as a national forum where great issues should be debated or merely as a legislative machine or body charged with control of public expenditure. There also a very large and substantial body of members of that Committee were of the view that they were not prpared to treat Parliament merely as a legislative machine or as a body to pass expenditure but they thought that it was also to act as the best and highest forum of the public of England to give expression to public views.

Sir, in the United States of America also there is no rule of the nature of closing debate peremtorily either by way of guillotine or otherwise even as suggested in the House of Commons Rules and Procedure. The only procedure that is there in the House of Representatives Rules is the rule regarding previous question. In Article 804, Chapter XVII, on Rules, as contained in Jefferson's Manual and Rules of the House of Representatives published under the authority of the United States Government in 1939—that is the latest that is available here—there has been serious objection raised and it is interesting to note that in 1892

Gladstone first wanted to get an authority of this character to prevent the Irish Nationalists from getting there in order to get through the Criminal Law Bill. That very Gladstone had to point out some drawbacks of a similar legislation, when he was in the Opposition in 1897 when the present rules of the House of Commons were actually drafted and the responsibility for presenting those rules at that time was with the then Conservative Government presided over by Mr. Smith, whereas Parnell, the so-called obstructionist leader—he was not obstructionist, he was a leader of great ability—welcomed the rules and few people realised that in spite of the existence of those rules, the intelligent obstructionist or oppositionist could manage to keep the House at bay and also the Speaker, necessitating further measures in subsequent stages so that really speaking these rules of procedure should not be considered to be the last word to stop obstruction or to enable rushing legislation, but this should be treated more as gentlemen's agreement as has been very aptly laid down by the rules. Redlish, in Vol. I, chapter on "Urgency Procedure and Closure", very carefully gives a history of the procedure regarding closure, and I will not detain the House any more on that subject. I invite the attention of the Committee in particular and all members in general to these rules in this chapter, if they want to profit through some study (KHAN BAHADUR MOHAMMED ALI: We have studied.) I understand that of late Khan Bahadur Mohammed Ali has become studious and is trying to study the rules in order to give a better account of himself than what he did only the other day in this House. I hope he at least will try to be a little more particular in regard to some of these books which I am inviting attention to. In Jenning's Parliament there is a very interesting, chapter on closures and from page 237 onwards, he deals with the question of matters of limitation of debate. The only thing that I would invite your attention to in this connection is this: Jennings points out a guillotine motion and he quotes in his appendix a standard guillotine motion and points out how elaborate has been the time-table given to each clause and each stage on each Bill to enable it to be passed at a particular time and the House has an opportunity even when the motion is before the House to examine each stage and whether the time allotted would be sufficient for the debate in consideration of the importance of the debate. The Central Legislative Assembly of India has got one rule regarding closure, namely, rule 62. There the rule, more or less, follows the British House of Commons measure regarding closure. It has not been necessary for them as yet to have any other measure than the present one and the Indian Legislature has found it possible to pass laws and conduct the business of the House without taking recourse to further stringent measures. The Canadian Parliament has got certain limitations of debate and there in Burinos' book "Parliamentary Procedure", pages 47-48, the rule is laid down. It will be noticed that the rule itself gave some power even in the matter of urgency legislation in the hands of the Speaker. Unlike Britain, Canada has not sought to take away the powers of the Speaker entirely. Similarly, with regard to Australia, the Australian Parliament from November, 1937, has adopted this new Standing Order No. 262A. This was adopted first on the 16th of October 1918. "On the reading of a message from the Governor-General recommending an appropriation in connection with any Bill or on the calling of a motion for leave to introduce a Bill or on the consideration of any resolution preliminary to the introduction of a Bill or at any stage of a Bill, a member of the Government may declare that the Bill is an urgent Bill and on such declaration the question that the Bill be considered an urgent Bill shall be put forthwith, no debate or amendment being allowed; and on such motion being agreed to without dissentient voice or carried by an affirmative vote of not less

than 24 members, a member of the Government may forthwith at any time during any sitting of the Committee of the House, but not so to interrupt the member who is addressing the Committee of the House, move a further motion or motions specifying the time which may be allotted to any of the following, *viz.*, the initial stages, the second reading and the committee stage and so on, and the order with regard to the time allotted to the Committee stage of the Bill may apportion certain time or times to any particular clause or clauses or to any particular part or parts of a Bill," etc.

So having looked up the various parliamentary procedures, I find that probably the inspiration that was obtained by the Government here was more from the Australian Parliament than from the Mother of Parliaments, namely, Britain. (MR. DHIRENDRA NATH DATTA: That is quite natural.) The Australian House of Representatives does not give power to the Governor-General or to the Government, but the House takes *ad hoc* decision on a particular measure at a particular time. I do feel that this is the most stringent measure that I have come across having examined all the parliamentary procedures of progressive and democratic legislatures.

Mr. SPEAKER: We must rise now. I think you have finished, Dr. Sanyal?

Dr. NALINAKSHA SANYAL: I will take another five minutes, Sir. It appears that there is a general desire from different sections of this House that I should try to be brief and conclude my remarks tonight. Sir, apart from the technicalities of the rules there is something even higher to which I appeal. We are really laying the foundations of democracy in this country. In so doing we should not try to adopt measures which would be virtually striking at the very root of democracy and representative Government. We know that there are powers and parties that do not like Government by discussion. The totalitarian states have not tolerated opposition in a legislature. They have one party Government and some of them probably have shown that they could achieve great powers of the state through one party rule. But, Sir, we who have been nurtured in the cradle of representative Government and democracy, we who in India have from our ancient traditions got the essentials and rudiments of self-Government right from the rural areas going up as a temple of liberty to the throne of the state, we who have also learnt parliamentary procedure and manners from Britain and have examined the basis of liberty from the studies of the British public men and politicians, we do feel that the House should retain all the powers, and the position of the Speaker of the House should, in no way, be sought to be stultified. I do feel that the Speaker should have certain powers overriding the urgency or the necessity of the Government of the day and in case we do have in the Select Committee measures limiting debate, I trust and hope that the Speaker's position will be left unimpaired.

With these words, Sir, I move my motion for extending the time for report to the 15th of January, 1945, instead of 17th December, 1944.

Adjournment.

The House was then at 7-35 p.m., adjourned till 4 p.m., on Tuesday, the 12th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 12th December, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 12 Hon'ble Ministers and 180 members.

STARRED QUESTIONS

(to which oral answers were given)

Dearness allowance for Provincial and Subordinate Services.

***101. Mr. B. MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) whether the Government has any definite and settled scheme in respect of dearness allowances;

(*ii*) if so, what is that scheme and how it is implemented in practice;

(*iii*) whether the Government has under consideration any measures designed to achieve a general raising of existing dearness allowance scales in Bengal; and

(*iv*) whether it is a fact that these scales are among the lowest in India and that the corresponding cost of living index figures are among the highest?

(*b*) If the reply to (*a*) (*iii*) be in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): (*a*) (*i*) and (*ii*) A copy of Finance Department Order No. 1970-F., dated the 4th October, 1944, embodying our latest Dearness Allowance scheme is placed on the Library Table.

(*iii*) No.

(*iv*) Our rates are the same as those of Government of India and we have no information that the rates are higher in any other Province.

(*b*) The scales have been introduced in consultation with the Government of India. No revision of these scales is contemplated at present.

Calcutta House Rent Control Order, 1943.

***102. Mr. ROGERS HAYWOOD:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether it is a fact that there has been a substantial increase in recent months in the number of applications received by the Rent Controller under the Calcutta House Rent Control Order, 1943;

(*b*) the number of applications under the Calcutta House Rent Control Order, 1943,—

(*i*) received by the Rent Controller, and

(*ii*) disposed of by the Rent Controller, month by month, during the year ending on 30th September, 1944;

(*c*) whether it is a fact that persons wishing to deposit rent under the Calcutta House Rent Control Order, 1943, have to wait for days in long queues; and

(d) whether Government are considering the desirability of appointing—

(i) a full time Rent Controller under the Calcutta House Rent Control Order, 1943, and

(ii) a separate Controller under the Bengal Hotels and Lodging Houses Control Order, 1942?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (a) Yes.

(b) A statement containing the information is laid on the Table.

(c) Some inconvenience was caused to the depositors of rent due to a sudden increase in the number of rent depositors necessitating introduction of the queue system. In order to reduce the rush in the office of the Controller, Government have since prescribed a revised procedure under which the tenants may make the deposit either in the Reserve Bank or in the Office of the Rent Controller or they may send the amount to the Controller by postal money order.

(d) No.

Statement referred to in reply to clause (b) of the starred question No. 102.

Month.	Number of applications filed.	Number of applications disposed of.
1943.		
August	108	66
September	391	277
October	*Nil	*Nil
November	476	462
December	412	390
1944.		
January	384	440
February	474	522
March	503	481
April	615	582
May	897	859
June	1,417	1,142
July	1,622	1,480
August	2,040	1,920
September	1,938	1,861
Total	11,277	10,482

*Being holidays.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if Government is aware of the reason for the abnormal rise in the applications for depositing rents in the months of August and September?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes. As I have already said Government is aware of that.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether Government is ready to enquire into the fact as to why the number of depositors of rents are increasing?

The Hon'ble Mr. TARAK NATH MUKERJEA: Actually the number increased in July and August, but it is now coming down.

Realisation of process fees in Revenue Sale.

***103. Khan Bahadur Haji BADI AHMED CHOUDHURY:** (a) Is the Hon'ble Minister in charge of the Revenue Department aware that in Revenue Sale process fees are being realised from the public when the payment is made before they are actually incurred?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of stopping it?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) No.

(*b*) Does not arise.

Appointment of Arbitrator for determination of compensation for requisitioned property.

*104. **Mr. PUSPAJIT BARMA:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he has received applications from the district of Rangpur under section 19 of the Defence of India Act for the appointment of an Arbitrator for the purpose of determining the amount of compensation payable on account of the requisitioning of property under rule 75A of the Defence of India Rules?

(*b*) If so, will the Hon'ble Minister be pleased to state from whom and when the applications were received?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the Government have received any reminder from the claimants;

(*ii*) whether the Government have appointed any Arbitrator;

(*iii*) if not, why not; and

(*iv*) whether the Hon'ble Minister proposes to take early steps for the appointment of an Arbitrator under section 19 of the Defence of India Act to determine the amount of compensation?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) Yes.

(*b*) From one Mr. Dewatram Agarwala; on the 15th December, 1943

(*c*) (*i*) and (*ii*) Yes.

(*iii*) and (*iv*) Do not arise.

Strength of Scheduled Castes in Educational Services.

*105. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the Table a statement showing—

(*i*) the existing number of posts in the following grades of Educational Services—

A. Rs.75—175 or Rs.75—200—

(1) Sub-Inspectors of Schools,
(2) Assistant Masters of Normal and High Schools, and
(3) Teachers in Engineering Schools, etc.;

B. Rs.125—250 or Rs.125—350—

(1) Lecturers of Government Colleges, and
(2) Teachers in Engineering Schools, etc.;

C. Rs.130—220 or Rs.150—250—

(1) Assistant Superintendents of Normal Schools,
(2) Assistant Head Masters of High Schools, and
(3) Subdivisional Inspectors of Schools;

D. Rs.150—700 or Rs.250—800 (officers in the Bengal Educational Service)—

(1) Superintendents of Normal Schools,
(2) Head Masters of High Schools,
(3) District Inspectors of Schools,
(4) Assistant Inspectors of Schools of Ranges or Divisions, and
(5) Professors of Government Colleges, etc.

E. Rs.300—1,000 (officers in the Senior Bengal Educational Service)—

(1) Divisional or Range Inspectors of Schools,
(2) Principals of Government Colleges, and
(3) Assistant Directors of Public Instruction, etc.; and

(ii) the number of Scheuled Caste officers in those services?

(b) If the number of Scheduled Caste officers is not adequate in services referred to in (a), will the Hon'ble Minister be pleased to state the reason why recruitments are not being made, in adequate number, both by direct appointment and by promotion, from among the members of the Scheduled Castes?

(c) Will the Hon'ble Minister be pleased to state—

(i) what action the Government took during the last five years; and
(ii) what action the Government now propose to take for appointment particularly in higher posts of Scheduled Castes?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Hon'ble Mr. Tamizuddin Khan): (a) A statement furnishing the information is laid on the Table.

(b) As there is a dearth of properly qualified Scheduled Caste candidates, it is not possible to recruit sufficient number from that community either by direct recruitment or by promotion.

(c) (i) During the last five years, 6 appointments in the Bengal Senior Educational Service and 16 appointments in the Bengal Educational Service were made by direct recruitment. Of the 6 appointments in the Bengal Senior Educational Service, one was reserved for Scheduled Caste candidates but no suitable candidate of that community was available for the appointment.

Out of the 16 vacancies in the Bengal Educational Service, 6 vacancies were reserved for Scheduled Castes but only in two cases candidates from that community were found suitable for appointment. In the remaining 4 cases the Public Service Commission reported that no suitable candidates from that community were available.

In making promotion to the above services during the last five years, cases of Scheduled Caste candidates were taken into consideration along with others, but no one was found suitable for promotion.

In the rank of Subdivisional Inspectors of Schools two Scheduled Caste Sub-Inspectors were promoted. Recently 4 posts—2 of Assistant Head Masters and 2 of Subdivisional Inspectors of Schools—were advertised for Scheduled Caste candidates. Only one candidate fulfilled the requisite qualifications. He has been selected for the post of Subdivisional Inspector of Schools.

(ii) Government are giving generous financial assistance to the Scheduled Caste students in Schools and Colleges so that the number of qualified candidates may increase.

A statement referred to in reply to clause (a) of starred question No. 105, showing the number of posts in certain grades of Educational Services and the number of Scheduled Caste Officers in those services.

	(a)(i) Existing number of posts.	(a)(ii) Existing number of Scheduled Caste Officers.
A. Rs. 75—175 or Rs. 75—200—		
(1) Sub-Inspectors of Schools	267	9
(2) Assistant Masters of Normal and High Schools.	321	3
(3) Teachers in Engineering Schools ..	3	Nil
B. Rs. 125—250 or Rs. 125—350—		
(1) Lecturers of Government Colleges ..	152	1
(2) Teachers in Engineering Schools, etc. ..	Nil	Nil

	(a)(i) Existing number of posts.	(a)(ii) Existing number of Scheduled Caste Officers.
C. Rs. 130—220 or Rs. 150—250—		
(1) Assistant Superintendents of Normal Schools	4	Nil
(2 Assistant Head Masters of High Schools ..	42	Nil
(3) Subdivisional Inspectors of Schools ..	37	1
D. Rs. 150—700 or Rs. 250—800 Officers in the B. E. S.—		
(1) Superintendents of Normal Schools .	4	Nil
(2) Head Masters of High Schools ..	41	Nil
(3) District Inspectors of Schools	27	1 (now on deputation as S. O. for Scheduled Caste Edn.).
(4) Assistant Inspectors of Schools of Ranges or Divisions.	8 (including 3 Second Inspectors).	Nil
(5) Professors of Government Colleges, etc.	122	2
E. Rs. 300—1,000 (Officers in the Senior B.E.S.)—		
(1) Divisional or Range Inspectors of Schools	9 (including 3 Second Inspectors).	Nil
(2) Principals of Government Colleges ..	14 (includes heads of Madrasahs, Government School of Art and Ahsanullah School of Engineering, Dacca).	Nil (The post of Principal, Government School of Art, has been advertised for a Scheduled Caste).
(3) Assistant Directors of Public Instruction, etc., etc.	22 (includes 2 A. D. P. Is., 1 S.O. for Primary Education and 19 Professors of Colleges).	Nil

Babu MADHUSUDAN SARKAR: With reference to answer (c)(i), viz., "of the 6 appointments in the Bengal Senior Educational Service one was reserved for Scheduled Caste candidates", will the Hon'ble Minister be pleased to state the requisite qualifications for that post?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Babu MADHUSUDAN SARKAR: With reference to answer (c)(i) in paragraph 2, viz., "Out of the 16 vacancies 6 vacancies were reserved for Scheduled Castes", is the Hon'ble Minister in a position to give the requisite qualifications for those posts?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The qualifications were fixed in consultation with the Public Service Commission. That is all that I can say.

Babu MADHUSUDAN SARKAR: My question is what are the qualifications for those posts?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: All the qualifications for the posts of this Service were fixed on a reference to the Public Service Commission.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what were the methods adopted by Government to fill those vacancies?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government ask for nomination from the Public Service Commission and on the recommendation of the Public Service Commission, they make selections. Ordinarily, they follow the priority given by the Public Service Commission.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what are the communities which have the honour of being represented in the Public Service Commission?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is known to the honourable member. There is one European, one Hindu and one Muslim.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that due to the paucity of the Scheduled Caste member in the Public Service Commission, this difficulty arises?

Mr. SPEAKER: That question does not arise.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether Government considers it desirable to keep the posts vacant till suitable Scheduled Caste candidates can be found out?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No. I do not think it can be kept vacant indefinitely.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House the respective qualifications necessary for the posts of Sub-Inspectors of Schools, Assistant Masters of Normal and High Schools, Teachers in Engineering Schools, Assistant Superintendents of Normal Schools, Assistant Head Masters of High Schools, Subdivisional Inspectors of Schools, Superintendents of Normal Schools, Head Masters of High Schools, etc.?

Mr. SPEAKER: Mr. Roy, I may tell you that this is not the proper place for asking questions of this character. You are asking for qualifications for all grades of Educational services.

Mr. CHARU CHANDRA ROY: Sir, my point is this----

Mr. SPEAKER: I can quite understand your point. In fact every body understands it. I do not think that that is the best way of utilising the time of the House.

Mr. CHARU CHANDRA ROY: My point is that the Minister who is in charge of the Education Department should come and answer all these questions.

Mr. SPEAKER: That is another matter.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to explain why while in his statement under column 2 under head C(*3*) the number of existing Scheduled Caste officers in the rank of Subdivisional Inspectors of Schools is shown as 1 in answer to C(*1*), paragraph 4 it appears that 3 Scheduled Caste candidates have been appointed as Subdivisional Inspectors of Schools?

Mr. SPEAKER: He says that there is some discrepancy in the reply.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What is your question, Mr. Kundu?

Mr. NISHITHA NATH KUNDU: My question is: Will the Hon'ble Minister be pleased to state the reason for the discrepancy in the answer, where it is stated that in the rank of Subdivisional Inspectors of Schools two Scheduled Caste Sub-Inspectors were promoted. In the same answer it is also stated only one candidate for the post of Subdivisional Inspector fulfilled the requisite qualifications and he has been selected. In reply under the head "C(*3*)—Subdivisional Inspectors of Schools", the number is shown as 1. According to the first reply therefore the number ought to have been 3.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: These are two separate things. One has no relation to the other. One is the case of promotion and the other of recruitment.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the number of Scheduled Caste members holding the posts of Subdivisional Inspectors of Schools at present?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The total number is not here.

Mr. NISHITHA NATH KUNDU: You have given the number to be one in your statement.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The two cases are different.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state how many Scheduled Caste candidates applied for these 4 posts recently advertised for?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I would ask for notice. But only one was found to possess the requisite qualifications.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to answer the question put just now by Babu Madhusudan Sarker from the file which is with him?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not think there is anything in the file.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state whether he has any material in his possession save and except the report of the Public Service Commission that there was paucity of Scheduled Caste candidates?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The report of the Public Service Commission is enough. More than that we do not require.

Contract for construction of Faridpur State Orphanage.

*106. **Mr. BIRAT CHANDRA MONDAL:** Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that the contract for the construction of the Faridpur State Orphanage was given to one Fazlu Mia who is the uncle of Maulvi Abdus Salam Khan, Secretary of the Faridpur District Muslim League?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Hon'ble Mr. Tamizuddin Khan): The contract was given to one Maulvi Md. Fazlar Rahman whose tender was found to be the lowest. His relationship with Maulvi Abdus Salam Khan, Secretary, Faridpur District Muslim League, was not known at the time of placing the contract.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when the relationship had been known?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: After the contract had been given.

Hours of attendance of visiting surgeons or physicians attached to Medical College Hospitals.

*107. **Maulvi RAJIBUDDIN TARAFDAR:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) what are the usual hours of attendance of visiting surgeons or physicians attached to the Calcutta Medical College Hospitals;

(ii) what is the administrative control for checking the late-comers; and

(iii) whether any record of their attendance is maintained?

(b) Will the Hon'ble Minister be pleased to state the usual hours of attendance of Colonel Anderson?

(c) Is it a fact—

(i) that he is a habitual late-comer; and

(ii) that patients and students are inconvenienced for this?

(d) If so, what action do the Government propose to take in the matter?

Khan Saheb HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (a) (i) 8 a.m.

(ii) and (iii) The hours of attendance are to be noted on sheets which are checked by the Superintendent of the Hospital.

(b) About 10-30 a.m.

(c) (i) Yes, but as Colonel Anderson has other duties to perform particularly as Surgeon to His Excellency and as a Presidency Surgeon he has usually to attend late.

(ii) No.

(d) Does not arise.

Extension of service granted to Colonel Anderson of Calcutta Medical College.

*108 **Khan Bahadur Maulvi KABIRUDDIN KHAN:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state how many extensions have been granted to Colonel Anderson of the Calcutta Medical College up till now?

(b) Is it a fact that he has retired from Indian Medical Service?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state the date of his retirement?

(d) Will the Hon'ble Minister be pleased to state what is the reason for granting him so many extensions even after his retirement from the Indian Medical Service?

Khan Saheb HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (a) Five.

(b) Yes.

(c) 10th March, 1941.

(d) The post of the Professor of Surgery, Medical College, Calcutta, is reserved for a British member of the Indian Medical Service and the appointment to the post is made by His Excellency the Governor in his individual judgment. As so many I.M.S. Officers had been recalled to military duty it was in the public interest not to dispense with the services of Colonel Anderson but to retain him in the post which he had been holding.

Committees appointed for Post-War Reconstruction Planning in Bengal.

*109. **Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state—

(a) the number of Committees and Sub-Committees appointed for Post-War Reconstruction Planning in Bengal showing—

(i) the dates of their appointment,

(ii) names of members of each,

(iii) number of meetings held by each Sub-Committee or Committee,

(*iv*) the number of days each member has attended such meetings,
(*v*) the progress of work done by each Committee, and
(*vi*) the expenditure incurred in the work of each Committee up to latest available date;

(*b*) what specific proposals, if any, have been formulated so far in connection with post-war agricultural, industrial, commercial or transport development in the Province; and

(*c*) whether, and if so, what specific proposal or proposals have been forwarded to the Government of India for securing their co-operation in Post-War Reconstruction of Bengal?

Mr. SYED ABDUL MAJID (on behalf of the Hon'ble Mr. K. Shahabuddin): (*a*) Besides the main Post-War Reconstruction Committee, nine Sub-Committees under it have been appointed.

(*i*) The main Committee was constituted on the 15th October, 1943. The decision to set up the Sub-Committee was taken by the main Committee on the 9th November, 1943; the terms of reference were fixed and the members of the Sub-Committees selected on the 8th January, 1944. Almost all the members accepted membership within a month from this date.

(*ii*) A statement showing the names of the members on the different Committees is laid on the Library Table.

(*iii*)(1) Main Committee—3.
(2) Agricultural Policy—2.
(3) Public Health—3.
(4) Education—5.
(5) Transport—3.
(6) Industrial Development—1.
(7) Post-War Employment—3.
(8) Electricity—11.
(9) Labour and Social Security—Nil.
(10) Co-operative Movement—2.

(*iv*) Compilation of this information will take time: it is also not considered worth the time and labour to compile this information.

(*v*) All the Sub-Committees except the Labour and Social Security Sub-Committee have settled down to work. The Electricity Sub-Committee has completed its deliberations and submitted a report to Government. The other Sub-Committees are still engaged in examining the various questions involved: appreciable progress has been achieved in the Public Health, Education, Transport, Employment and Co-operative Movement Sub-Committees.

(*vi*) The expenditure incurred is in respect of travelling allowance of members only. The total expenditure for all the Committees is as follows:—

1943-44—Rs.1,478.
1944-45 up to 9-11-1944—Rs.5,083.
Separate figures for each Committee are not readily available.

(*b*) *Vide* reply to (*a*)(*v*) above. Progress in the matter of formulation of proposals and preparation of schemes will soon be published in a Report which would, it is hoped, be available before the end of December.

(*c*) No; none. Proposals will be sent only after all the Sub-Committees have completed their deliberations, unless of course the Government of India asks for specific proposals to be submitted in advance.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in some of the Sub-Committees a number of members appointed have never attended a single meeting?

Mr. SYED ABDUL MAJID: Yes, some of the members have not attended.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that none of the Sub-Committees have so far put forward concrete proposals for submission to the Government of India except the Electricity Sub-Committee?

Mr. SYED ABDUL MAJID: Yes, Sir. The answer is in (*a*)(*v*). I have said that except the Electricity Sub-Committee no other Sub-Committee has submitted a report to Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Electricity Sub-Committee made a recommendation of an urgent character stating that if that recommendation is not immediately given effect to the province would seriously meet with a setback in Post-War Development?

Mr. SYED ABDUL MAJID: I do not know: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are aware that the Government of India wanted certain specific suggestions to be made with a view to enable the Government of India to place advance orders for machinery quoted in the post-war period?

Mr. SYED ABDUL MAJID: I am not aware of it. I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that without proper representation through the Government of India it will not be possible for Bengal or the Industries in Bengal to get proper supply of machinery in the post-war period if their application goes late?

Mr. SYED ABDUL MAJID: May be so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are aware that other provinces, particularly Bombay, Madras and the Punjab, have gone very much ahead in their Post-War Reconstruction proposals and they have even submitted specific schemes and proposals to the Government of India?

Mr. SYED ABDUL MAJID: We are not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of procuring for their guidance the schemes and recommendations of the Post-War Reconstruction Committees of other provinces so that the Committees of Bengal might be assisted?

Mr. SYED ABDUL MAJID: We have received some schemes from some other provinces, and obviously the Sub-Committees will take into consideration these schemes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that some of the provinces other than Bengal have already set up a machinery in New Delhi to see that their suggestions in regard to the supply of equipments and machinery may receive adequate attention?

Mr. SYED ABDUL MAJID: We are not aware of this.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time the Government of Bengal expect to be in a position to make specific suggestions as have not been so far done in answer (*c*)?

Mr. SYED ABDUL MAJID: Government have prepared some schemes already and expect that within a reasonable time, other schemes will be prepared and submitted.

Dr. NALINAKSHA SANYAL: What is that reasonable time?

(No answer.)

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if Government is doing anything to expedite the work?

Mr. SYED ABDUL MAJID: Government is doing everything possible to expedite the preparation of the scheme.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in examining the Post-War Reconstruction work the present rehabilitation programme of the Bengal Government is also being scrutinised to see that it fixes in with the Post-War Reconstruction programme?

Mr. SYED ABDUL MAJID: Yes, the relevant Committees are taking up these matters.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the relevant Sub-Committees have been posted with facts relating to rehabilitation programme proposed to be taken up or actually taken up by Government?

Mr. SYED ABDUL MAJID: Facts are being collected and a memorandum is being prepared to be placed before the Sub-Committees.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the rehabilitation work has or has not been started?

Mr. SYED ABDUL MAJID: I do not know. I want notice.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state, with reference to the statement in answer to (*a*)(*v*) that the Electricity Sub-Committee has completed its deliberation and submitted a report to Government, whether the Sub-Committees are supposed to report to the main Committee?

Mr. SYED ABDUL MAJID: They have submitted their report to Government and Government have submitted it to the main Committee for consideration.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to explain the functions of the main Committee?

Mr. SYED ABDUL MAJID: The functions of the main Committee are to finally consider the schemes and proposals submitted by the Sub-Committees and take final decisions and then submit their decisions to Government.

Mr. A. F. STARK: Are the Sub-Committees expected to consider the financing of their proposals?

Mr. SYED ABDUL MAJID: No. The financial aspect will be separately dealt with by Government and the Sub-Committees do not deal with that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Post-War Reconstruction Committee as a whole or the Sub-Committees relating to different subjects have been or are proposed to be assisted by competent technical men or staff to enable them to come to proper schemes and conclusions?

Mr. SYED ABDUL MAJID: Whenever it is found necessary technical men are invited to assist.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have so far made any technical staff available to any of the Sub-Committees appointed to examine post-war programmes.

Mr. SYED ABDUL MAJID: The Sub-Committees were constituted with some technical men who are of course competent to deal with the technical aspect of the questions but if further assistance is required technical men are of course invited.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether up to now, no technical men other than those who are on the Committees have been invited, and whether the technical men who have been or are supposed to have been taken on the Sub-Committees for their technical knowledge have on many occasions not attended the meetings at all?

Mr. SPEAKER: That is too vague a question.

Mr. SYED ABDUL MAJID: I cannot say off-hand.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when the one meeting of the Industrial Development Sub-Committee was held?

Mr. SYED ABDUL MAJID: I want notice.

Mr. ATUL CHANDRA SEN: Sir, before you take up question No. 110 may I draw your attention to answer (*a*)(*iv*) where it is stated that compilation of this information will take time. It refers to the number of meetings attended by each member, and I presume a register of attendance is maintained. Earlier in the session I drew your attention to an answer of a similar nature. You were then pleased to assure the House that you would see that answers were not evaded on such trivial grounds. And you assured us that you would discuss the matter.

Mr. SPEAKER: I will see to it. Let us now pass on.

Next question.

Manufacture of salt in scheduled areas.

***110. Khan Bahadur Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*a*) whether any duty will have to be paid for salt in scheduled areas for manufacture of the commodity as home industry;

(*b*) whether the Government have any objection to the manufacture of salt in huge quantity by home industry in salt water area;

(*c*) whether the present 4 salt warehouses are situated in the salt scheduled areas in Chittagong; and

(*d*) whether the Government are aware of the fact—

(*i*) that the removal of those warehouses from the scheduled areas to the Chittagong town will bring in largest amount of duty to the Government with the least amount of cost, and

(*ii*) that the collection of salt by appointing separate agents in different unions and in different police-stations in salt-producing areas will bring the larger quantity of salt with the larger amount of Government duty?

Mr. SYED ABDUL MAJID (on behalf of the Hon'ble Mr. K. Shahabuddin): (*a*) Yes; duty is payable for salt manufactured which is intended for sale.

(*b*) No; if the salt water area is within the scheduled areas of the Bengal Salt (Village Manufacture, Storage and Transport) Rules, 1943.

(*c*) Yes.

(*d*)(*i*) No. As the production centres lie far away from the town, it is likely that there will be fall in receipts from duty due to illegal transaction

being carried on in transit resulting in very little salt coming to the warehouses. Moreover, the town of Chittagong, being outside the scheduled areas of the district, the establishment of warehouses there is not permissible under the Bengal Salt Rules.

(*ii*) Yes, the Government scheme contemplates the establishment of *hat* depots at suitable places for increasing collection.

(At this stage the House was adjourned for 15 minutes).

(After adjournment).

Khan Bahadur Haji BADI AHMED CHOWDHURY: মাননীয় মন্ত্রী মহোদয় অনুগ্রহ করিয়া জানাইবেন কি, ১৯৩১ সালের ৫ই মার্চ্চ তারিখের গান্ধী-আরউইন চুক্তিমতে সমুদ্রতীরবর্ত্তী লোকেরা কুটির-শিল্পরূপে লবণ সংগ্রহ করিয়া সেই লবণ তাহাদের নিজেদের ব্যবহারের ও খাওয়ার জিনিষের বিনিময়ে বাজারে নিতে কোন আপত্তি আছে কি?

Mr. SYED ABDUL MAJID: গান্ধী-আরউইন চুক্তিমতে যা হয়েছে এবং আমার যতটুকু জানা আছে তাতে কেহ লবণ তৈরী করে বা মাথায় করে নিয়ে বাজারে বিক্রী করতে পারে ততটুকু ওজনের যদি তৈরী করে বিক্রী করে তা হলে তার জন্য কোন duty দিতে হয় না। কিন্তু আমি এ সম্বন্ধে একেবারে নিশ্চয় করে বলতে পারি না। অবশ্য যদি hon'ble member সঠিকভাবে জানতে চান তাহলে পরে জানাইব।

Mr. ATUL CH. SEN: মন্ত্রীমহোদয় কত মণ মাথায় করতে পারেন।

Mr. SPEAKER: সে প্রশ্ন উঠে না।

Khan Bahadur Haji BADI AHMED CHOWDHURY: মেয়েলোকেরা মাথায় করে লবণ আনা-নেওয়া করে; পুরুষেরা কাঁধে করে আনা-নেওয়া করে। এ অবস্থায় কাঁধে ভর করিয়া এক মণ লবণ নেওয়া অভ্যস্ত বাঙ্গালীদের অপরাধ হইবে কি?

Mr. SYED ABDUL MAJID: আমি জানি না মাথায় বহন করে কি, কাঁধে বহন করে; কিন্তু এক মণের নীচে কি উপায়ে একজন বহন করতে পারে এ সম্বন্ধে নিশ্চয় করে কিছু বলতে পারি না।

Khan Bahadur Haji BADI AHMED CHOWDHURY: আপনারা দেশে যাওয়ার সময় ট্রেণে, ষ্টিমারে যাতায়াত কালে ছাড়া নিশ্চয়ই দেখেছেন গ্রামের লোকে কাঁধে বহন করেন, মেয়েলোকেরা মাথায়। আমি বলি মাথায় হোক, কাঁধে হোক তাহারা যতটুকু লবণ একজন মাথায় করিয়া নিতে পারে ততটুকু বিনা dutyতে বিক্রয় করিতে পারে।

Mr. SYED ABDUL MAJID: গান্ধী-আরউইন Pact মতে, চুক্তিতে যা আছে, অন্ততঃপক্ষে সে যদি এক মণের অতিরিক্ত বহন করতে পারে তাহলেও বোধ হয় আপত্তি হতে পারে না, আর যদি এক মণের কম নিতে পারে তাহলেও আপত্তি হবে না। অবশ্য এ সম্বন্ধে আমি সঠিক উত্তর দিতে পারি না তাহা পূর্ব্বেই জওয়াব দিয়াছি।

Khan Bahadur Haji BADI AHMED CHOWDHURY: মন্ত্রী মহোদয়, অনুগ্রহ করে কি জানাবেন গান্ধী-আরউইন চুক্তি কি, তাহা এই সভার মধ্যে প্রচার করবেন কি?

Mr. SYED ABDUL MAJID: তাহা বিবেচনা করা হবে।

Khan Bahadur Haji BADI AHMED CHOWDHURY: এক মণের নীচে লবণ আনা নেওয়া করতে পুলিশ অত্যাচার করছে কেন, তাহা অনুগ্রহ করে জানাবেন কি?

Mr. SYED ABDUL MAJID: পুলিশের অত্যাচার সম্বন্ধে আমরা কিছু অবগত নহি।

Khan Bahadur Haji BADI AHMED CHOWDHURY: যে সমস্ত লোক লবণ তৈরী করিতেছে তাদের দ্বারা যদি representation করান হয় তাহা হইলে মন্ত্রী মহাশয় তাহা বিবেচনা করবেন কি?

Mr. SYED ABDUL MAJID: যদি hon'ble মেম্বারের দ্বারা কোন specific instance আনা হয় তা হ'লে তার বিবেচনা করা হবে।

Khan Bahadur Haji BADI AHMED CHOWDHURY: আমি আপনাকে এবং Hon'ble মন্ত্রী মহোদয়কে গত বারে যে complain করিয়াছিলাম তার কোন প্রতিকার হল না। তাহা হ'ল না কেন?

Mr. SYED ABDUL MAJID: মাননীয় বেয়ার সাহেব যে complain করেছিলেন তাহা জানি না।

Khan Bahadur. Haji BADI AHMED CHOWDHURY: Answerএর (*d*)তে বলা হয়েছে, যে লবণ-গোলা খোলা হয়েছে, সে সমস্ত লবণ-গোলাই Scheduled Areaর মধ্যেই খোলা হয়েছে। Scheduled Areaর মধ্যে লবণ-গোলা খোলা হওয়াতে দেশের লোকের মধ্যে লবণ প্রস্তুতের ভয় ও বাধা হয়েছে তার কারণ কি?

Mr. SYED ABDUL MAJID: Scheduled Areaতে লবণ-গোলা তৈরী করতে কোন বাধা আছে বলে এ পর্য্যন্ত আমার গোচরীভূত হয়নি।

Khan Bahadur Haji BADI AHMED CHOWDHURY: আমি মাঝে মাঝে সে সম্বন্ধে গোচরীভূত করাইয়াছি তার প্রতিকার হোল না কেন?

Mr. SPEAKER: সে কথা ওঠে না। Next.

Shoe-making demonstration party for village Dighirpar, Bajitpur police-station.

***111. Rai Sahib MONOMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether it is a fact—

(*i*) that the village Dighirpar in Bajitpur police-station of Mymensingh district is mainly inhabited by the people of the Hrishi class of the Scheduled Castes, consisting of about 500 Khanas;

(*ii*) that all the Hrishis are landless and have no means of livelihood save and except skin business and shoe-making; and

(*iii*) that a shoe-making demonstration party which was deputed there has been shifted to Kishoreganj without finishing the course of training of a batch of students?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government propose to depute another shoe-making party to the said village for the purpose of training a large number of people?

Mr. SYED ABDUL MAJID (on behalf of the Hon'ble Mr. K. Shahabuddin): (*a*) (*i*) Yes, but their exact number is not known.

(*ii*) I have no definite information.

(*iii*) Yes, at the instance of the Subdivisional Officer, Kishoreganj, in view of the urgent demand for training the Hrishi boys of Kishoreganj Orphanage in boot and shoe-making.

(*b*) Deputation of demonstration parties is arranged in consultation with the local officers with reference to priority of demand for their services. It is at present in contemplation to send a tanning demonstration party to serve Dighirpar and Bajitpur, as soon as it can be arranged and a shoe-making party can be sent there again, when available, if so required by the Subdivisional Officer.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us how many demonstration parties were sent to Kishoreganj subdivision?

Mr. SYED ABDUL MAJID: Only one demonstration party was sent, so far as I know.

Mr. DHIRENDRA NATH DATTA: Has the Government considered the desirability of sending a larger number of demonstration parties in view of the large number of people that will be served?

Mr. SYED ABDUL MAJID: The number of demonstration parties is very few but if the Subdivisional Officer of Kishoreganj demands that more demonstration parties should be sent, the matter will be considered and it will be seen whether further demonstration parties should be sent.

Dr. NALINAKSHA SANYAL: Will the member be pleased to state when this question was received and up to what time the answer relates to?

Mr. SYED ABDUL MAJID: This is more than I can say.

Mr. SPEAKER: The question was received on the 10th November, 1944, and it was sent to the Department, I think, on the 15th November.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state how many demonstration parties are there throughout Bengal?

Mr. SYED ABDUL MAJID: So far as I know there are four demonstration parties for tanning, shoe-making and boot-making, etc.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state where the demonstration parties are doing their work?

Mr. SYED ABDUL MAJID: One is at Kishoreganj and the three others are working in different places. Of course I cannot give the names of those places off-hand.

Theft of sugar from the godown of Faridpur Central Co-operative Bank.

***112. Mr. BIRAT CHANDRA MANDAL:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact—

(*a*) that large quantities of sugar were stolen from the Faridpur Central Co-operative Bank godown on the 24th March, 1944;

(*b*) that one Kuti Sheikh, a darwan of the said godown, was arrested in that connection and has made a statement to the Police Magistrate;

(*c*) that the said Kuti Sheikh has also made applications from the jail incriminating the Manager of the Faridpur Central Co-operative Bank and some other officials of the said Bank;

(*d*) that the said Manager is a dismissed clerk of the Faridpur Settlement Office;

(*e*) that Mr. A. Mukherjee, I.C.S., who was enquiring into the Faridpur Central Bank sugar theft case was telegraphically transferred from Faridpur before he could complete his enquiries;

(*f*) that there has been a shortage of 4,000 maunds of rice from Government stocks stored by Faridpur Central Bank;

(*g*) that there has been no audit of the Central Bank account for the last one year;

(*h*) that quarterly audit is required by the rules of the Co-operative Department; and

(*i*) that the Secretary of the Faridpur Co-operative Central Bank is also Secretary of the Faridpur District Muslim League?

Khan Bahadur A. F. M. ABDUR RAHMAN (on behalf of the Hon'ble Mr. Jogendra Nath Mandal): (*a*) Yes. The total quantity alleged to have been stolen amounted to 35 maunds 30 seers.

(*b*) and (*i*) Yes.

(*c*) It is reported that Kuti Sheikh made an application from the jail asking that his statement might be recorded. Accordingly his statement was recorded by a Magistrate of Faridpur in which he implicated the business manager and two delivery clerks of the Central Bank. The case is now under police investigation.

(*d*) No. He was a Janch Mohurir in the Faridpur Settlement and was discharged on account of his failure to join after leave.

(*e*) It is not a fact that Mr. A. Mukherjee, I.C.S., was enquiring into the Central Bank sugar theft case. The reason for his transfer is not known to me.

(*f*) No. The shortage amounts to 1,797 maunds. Of this, the shortage of 1,081 maunds occurred in Railway transit and of 716 maunds in course of handling. The total shortage is, therefore, 6·5 per cent. of the 27,424 maunds, the quantity shown in Railway receipts. Some of the bags were found damaged at the time of each unloading operation. This shortage has duly been reported to the Civil Supplies Department who will no doubt make some allowance and pay compensation for the shortage as occurring normally in transit and handling.

(*g*) The statutory audit for 1942-43 was unavoidably delayed as the Special Inspector in charge of the audit was engaged in anti-hoarding and relief work by the District Magistrate.

(*h*) No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who is the Secretary of the Faridpur Co-operative Central Bank?

Khan Bahadur A. F. M. ABDUR RAHMAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in any way related to the Secretary of the Faridpur District Muslim League?

Khan Bahadur A. F. M. ABDUR RAHMAN: I have no information.

Dr. NALINAKSHA SANYAL: Has the attention of the Hon'ble Minister been drawn to previous questions Nos. 96, 98 and 106 relating to a certain person who was a relative of the Secretary, Faridpur District Muslim League? Is this the same person?

Khan Bahadur A. F. M. ABDUR RAHMAN: I am not sure about that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the normal shortage that is the experience of the Civil Supplies Department in regard to answer (*f*), *i.e.*, shortage in railway transit?

Khan Bahadur A. F. M. ABDUR RAHMAN: The Civil Supplies Department will be in a better position to answer that question than the Co-operative Department.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any claim was made against the railway authorities for the shortage of 1,081 maunds in transit?

Khan Bahadur A. F. M. ABDUR RAHMAN: Most probably a claim was filed, but I cannot say off-hand. I can give the information on proper notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Some particulars about security prisoners.

50. Mr. JNANENDRA CHANDRA MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state the number and names of security prisoners—

(*i*) who have been released;
(*ii*) who have been granted family allowance;
(*iii*) the amount granted to each;
(*iv*) who have been granted increments of family allowances; and
(*v*) the amounts of such increments since the present Home Minister assumed charge of the Home Department?

(b) Is the Hon'ble Minister considering the desirability of increasing the amounts of all the family allowances already granted to the security prisoners owing to the abnormal rise of the prices of foodstuffs and other necessary articles?

(c) If the answer to (b) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

(b) A copy of the Press-Note issued on the 28th June, 1943, on the subject is laid on the Library Table.

(c) Does not arise.

Mr. NISHITHA NATH KUNDU: In view of the fact that prices have further gone up since this Press-Note was issued on the 28th June, 1943, does the Hon'ble Minister think it desirable to increase this year the allowances that have been granted so far to the security prisoners?

Khan Bahadur MOHAMMED ALI: Allowances granted to security prisoners are on a liberal scale and they have been revised according to the condition of the family and the distress in the family. There is no reason for any revision of the Government policy at this stage.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, on this question may I draw your attention to the promise given by the Hon'ble Home Minister, namely, that he will make a statement about the policy of Government in respect to family allowances given to security prisoners last session. We have not got that statement as yet. May I therefore ask through you, Sir, the Hon'ble Home Minister to make this statement of the Government policy in respect of granting of family allowances to security prisoners.

Mr. SPEAKER: That does not arise here.

Treatment of State prisoners.

51. **Mr. SIBNATH BANERJEE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether it is a fact that the State prisoners or Regulation III prisoners are treated in all essential details exactly in the same manner as the security prisoners from the 3rd of June, 1943, up to the present day;

(b) whether it is a fact that Government have subsequently published the Bengal State Prisoners Rules, 1943, which is a verbatim copy of the Bengal Security Prisoners Rules, 1940, section by section and even word for word with only the word "Security" changed into "State";

(c) under what authority these Rules were framed;

(d) whether the Bengal State Prisoners Manual, 1936, was current on the 3rd June, 1943;

(e) whether the Manual has been cancelled; if not, what is the effect of the Manual now;

(f) whether in all subsequent circulars of Inspector-General or of the Secretaries of Government of Bengal the security and State prisoners have been dealt with exactly in the same manner;

(g) whether the attention of Government has been drawn to the fact that under rule (4) of the Bengal State Prisoners Rules, 1943, the State prisoners are "for the purpose of discipline and treatment, to have the status of division II convicts" which is the same as the status given to security prisoners;

(h) whether the attention of Government has been drawn to section 1 of Bengal State Prisoners Regulation, 1818, which states *inter alia* that "suitable provision be made for his (a State prisoner's) support according to his rank in life and to his own wants and those of his family";

(i) whether Government have taken any notice of the judicial pronouncements of the Hon'ble High Court, Calcutta, contained in its judgment in the Contempt of Court Case (47, C.W.N., pp. 854-885) against some of the high officers of Government with reference to the rights and privileges of persons detained under Regulation III of 1818 as State prisoners, *inter alia* to the following effects, viz.,—

(1) "It must be pointed out however, that the detenus are certainly entitled to more rights and privileges under the present custody than they were under the former since they are now entitled to adequate allowances for themselves and their families, according to their rank in life", and

(2) Regulation III contains provisions which enable the detenu to be told what are the grounds on which he is detained and further provisions enabling the detenus to show cause why he should not be detained;

(j) whether any of the State prisoners have been told on what grounds he has been detained and whether any opportunity given to show cause why he should not be detained; and

(k) what are the (i) diet, (ii) personal, (iii) family allowance being respectively given to the following State prisoners:—

(1) Sj. Niharendu Dutta Mazumdar, M.L.A.,
(2) Sj. Prafulla Chandra Sen, B.Sc.,
(3) Sj. Nitai Jana,
(4) Sj. Satcowri Mitra, M.A.,
(5) Sj. Sibnath Banerjee, M.L.A.,
(6) Dr. Nihar Roy, M.A., D.LITT. & PHIL.

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) It is not understood what the honourable member implies by the term "essential details". Copies of the Bengal Security Prisoners Rules, 1940, and Bengal State Prisoners Rules, 1943, are placed in the Library.

(c) The Rules were made under the Bengal State Prisoners Regulation (III of 1818).

(d) to (h) Yes.

(i) (1) Yes.

(i) (2) and (j) The honourable member is referred to my reply to starred question No. 70 by Mr. Niharendu Dutt Majumdar delivered on the 8th February, 1944.

(k) (i) Rs.1-8 per day.
(ii) Rs.30 per month.
(iii) (1) Rs. 100 per month.
(2) Nil.
(3) Rs.50 per month.
(4) Rs.20 per month.
(5) Rs.100 per month.
(6) The prisoner has been released.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to explain why in different cases of State prisoners very much different amounts have been granted as family allowances though according to our information the statuses of those State prisoners are similar and equal?

Khan Bahadur MOHAMMED ALI: The information of Government is otherwise; the allowances have been granted on the basis of the status of the prisoners and also on the financial condition of the family concerned.

Mr. NISHITHANATH KUNDU: Will the Hon'ble Minister be pleased to state why no allowance was granted to Sj. Prafulla Chandra Sen?

Khan Bahadur MOHAMMED ALI: Because the prisoner's income was almost nothing before his arrest and he only owned four bighas of cultivable land with an annual income of Rs. 50. He has no dependent.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is not compulsory to grant some maintenance allowance to the State prisoners under the Security Prisoners Regulation?

Khan Bahadur MOHAMMED ALI: I do not know whether it is compulsory or not, but most of the State prisoners have been granted personal allowances. I think almost all of them have been granted personal allowances.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given will the Hon'ble Minister be pleased to state whether any family allowance has been granted to Mr. Nani Gopal Mazumdar, a son of Mrs. Hemaprova Mazumdar, M.L.A.?

Mr. SPEAKER: Is that mentioned there?

Mr. NISHITHA NATH KUNDU: No, Sir, but he has replied that all of the State prisoners have been granted allowances.

Khan Bahadur MOHAMMED ALI: Sir, I said almost all the State prisoners.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether any family allowance has been granted to Mr. Nani Gopal Mazumdar who is also a State prisoner, and who has a wife and a daughter dependent on him?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether Government has sanctioned any allowance for Debabrata Roy who was earning a lot of money from the share market?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether it is obligatory on the part of Government to grant family allowance to the State prisoners?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what is the principle underlying the grant of family allowance to the State Prisoners under Regulation III? Is the rule same as the Security Prisoners' Rules?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state on what basis Rs. 20 has been granted to the State prisoner Sj. Satcowri Mitra, M.A.?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the number of dependents of this State prisoner and the amount that he was earning while at large?

Khan Bahadur MOHAMMED ALI: He was a professor of the Bangabasi College on a salary of Rs. 75 per mensem.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state the principle on which these allowances have been granted to security prisoners?

Khan Bahadur MOHAMMED ALI: That has been explained several times on the floor of the House.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state it again now?

Mr. SPEAKER: That is not necessary now.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why even that Rs. 55 has not been granted to Sj. Satcowri Mitra?

Khan Bahadur MOHAMMED ALI: I did not say Rs. 55. I said that he was getting a salary of Rs. 75 per mensem.

Mr. NISHITHA NATH KUNDU: In that case, will the Hon'ble Minister be pleased to state why Rs. 75 was not given?

Khan Bahadur MOHAMMED ALI: I ask for notice. I do not know what amount has been granted to him.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to refer to answer (*k*)(*4*)?

Khan Bahadur MOHAMMED ALI: I am sorry. I see that Rs. 20 has been granted. As to the reasons, I ask for notice. I do not know the condition of his family and I have nothing on record. So, I ask for notice.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given, will the Hon'ble Minister be pleased to reconsider his case and give him a suitable allowance?

Khan Bahadur MOHAMMED ALI: His case will be examined again.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether Sj. Narendra Nath Chakravarty, a State prisoner in the Faridpur Jail, has been granted any allowance and if so what is the amount?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: In view of the fact that the cost of living has gone up very high and also in view of the fact that Sj. Narendra Nath Chakravarty has got a large number of dependents to maintain, will the Hon'ble Minister be pleased to reconsider his case and increase the family allowance from Rs. 20?

Khan Bahadur MOHAMMED ALI: I have already asked for notice. I have no information before me now.

Mr. DHIRENDRA NATH DATTA: Does the Hon'ble Minister consider the desirability of granting allowances to each and every State prisoner?

Khan Bahadur MOHAMMED ALI: I have already answered that question.

Mr. DHIRENDRA NATH DATTA: You have not answered the question regarding the desirability of granting allowances to each and every State prisoner.

Khan Bahadur MOHAMMED ALI: The question of granting an allowance depends on the financial condition of the prisoner and the financial loss suffered by the family by the arrest and detention of the prisoner. These are the two criteria governing the grant of allowances.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether a personal allowance of Rs. 30 has been given to all the State prisoners now detained?

Khan Bahadur MOHAMMED ALI: I am not very sure, but if I may rely on my memory, a personal allowance has been granted to all the State prisoners?

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to make an enquiry as to whether a personal allowance has been granted to all the State prisoners?

Khan Bahadur MOHAMMED ALI: My information is that it has been granted to all.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether Government has decided on any minimum allowance for the State prisoners and if so, what is that amount?

Khan Bahadur MOHAMMED ALI: Rs. 30 per mensem as personal allowance.

Mortality figures in respect of Presidency and other Jails of Bengal.

52. Mr. NIHARENDU DUTT MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing the number of deaths for 1940, 1942 and 1943, of prisoners in—

(*i*) Presidency Jail;
(*ii*) other jails of Bengal, giving the number for each jail separately; and
(*iii*) the total in Bengal Jails?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the reason of increase in death rate, if any;
(*ii*) the number of persons detained without trial, who died while in detention during 1941, 1942 and 1943; and
(*iii*) the number of prisoners in Bengal Jails who have been released on account of ill health, (1) in 1943, and (2) in each of the four previous years?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*), (*b*)(*ii*) and (*iii*) A statement is laid on the Library Table.

(*b*)(*i*) Increasing death rate is due to admission of large number of prisoners in bad state of health.

Mr. CHARU CHANDRA ROY: With reference to answer (*b*)(*i*), will the Hon'ble Minister be pleased to tell the House whether any report came to the Government at the time of admission of prisoners that such and such prisoners are in a very bad state of health?

Khan Bahadur MOHAMMED ALI: Yes, Sir. Generally the report is received by the Inspector-General of Prisons, but I may state that this increase in the number of deaths in the hospital was in the year 1943 and the honourable member will recall that that was the year of famine in this province.

Accommodating capacity of Contai Sub-Jail.

53. **Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*a*) what is the accommodating capacity of the sub-jail of the Contai subdivision in the Midnapore district;

(*b*) what was the number of prisoners, undertrial and convicted, in the said sub-jail from June to December, 1943 (the number to be shown separately in each month);

(*c*) what is the present number of such prisoners;

(*d*) how many of the prisoners died in the said sub-jail from June to December, 1943 (the number of deaths to be shown separately in each month);

(*e*)(*i*) the present number and (*ii*) the names of the under-trial prisoners who are staying in the said sub-jail for more than six months without being convicted; and

(*f*)(*i*) the number and (*ii*) the names of the under-trial prisoners who stayed in the said sub-jail for more than six months before conviction or discharge in the year 1943 and January, February and March, 1944?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 39.

(*b*) On 7th June—228.

On 7th July—190.
On 7th August—249.
On 7th September—220.
On 7th October—214.
On 7th November—173.
On 7th December—159.

(*c*) 89 (on 10th November, 1944).

(*d*) June—Nil.

July—Nil.
August—1.
September—2.
October—1.
November—1.
December—4.

(*e*)(*i*) 12.

(*ii*) A statement is laid on the Library Table.

(*f*) This information is not readily available.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us how prisoners numbering more than 200 came to be accommodated on various dates in a jail, the accommodating capacity of which is only 39?

Khan Bahadur MOHAMMED ALI: Arrangements were made for the accommodation of extra prisoners, but there was some congestion. There is no doubt about that.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state when this information about the criminal congestion reached the Government, whether on receipt of the question or previous to that?

Khan Bahadur MOHAMMED ALI: Government received no information previous to the receipt of the question regarding congestion in jail. I think that it was I who replied to the budget demand in which I outlined the Government scheme regarding the accommodation of prisoners and the Government policy for the release of criminal prisoners also to relieve the congestion?

Mr. NISHITHA NATH KUNDU: If that is so, how is it that Government allowed the congestion to continue to remain from 7th June to 7th December, for the last seven months?

Khan Bahadur MOHAMMED ALI: There was congestion for seven months due to famine conditions in the province and Government adopted the policy of early release of prisoners so that congestion might be relieved and effect was given to that Government policy.

Mr. DHIRENDRA NATH DATTA: In view of the fact that the present number of prisoners is 89 on the 10th of November in the jail, the accommodating capacity of which is 39, does the Government consider the desirability of making any further accommodation in the jail in order to avoid congestion?

Khan Bahadur MOHAMMED ALI: Temporary arrangements have been made for the accommodation of extra prisoners.

Absorption of military officers in Civil Administration.

54. Mr. ASHUTOSH LAHIRI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of military officers that have been appointed during last two years to the Indian Civil Service, in the province;

(*b*) the total number of such military officers proposed to be absorbed in the Civil Administration;

(*c*) the number that are now under training at Lebong;

(*d*) the number of them that are—

(*i*) Indians, and

(*ii*) Europeans;

(*e*) the number of Indians that are non-Bengalees; and

(*f*) the number of them that are—

(*i*) Hindus, and

(*ii*) Muslims?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (1) Twenty-five army officers deputed for one year as emergency reinforcement chiefly of the Civil Supplies machinery in 1943. Three of them have reverted to the Army and the remaining will revert early in 1945.

(2) Thirty-three Army officers seconded to Bengal under the long-term scheme for the reinforcement of the Civil Services. More officers are expected to come later on.

(*b*) The total number of military officers to be absorbed in the Civil Administration will depend upon the number that will be available from the Government of India. Bengal's demand was for 100 officers whom the Government of India agreed to supply. But it is understood unofficially that owing to the poor response from the Army volunteers to the Special Indian Army Order only 50 officers will be supplied.

(*c*) The number of officers at present under training at the Lebong Training Centre is 14.

(*d*)(*i*) Indians 1 of category (*a*)(1) above, and 12 of category (*a*)(2) above. Total 13.

(*ii*) Europeans 24 of category (*a*)(1) above and 21 of category (*a*)(2) above. Total 45.

(*e*) 12.

(*f*) (*i*) Hindus—12.

(*ii*) Muslim—1.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government have any policy in regard to the permanent employment of these military officers in the civil administration even after the period of the war is over?

Khan Bahadur MOHAMMED ALI: There is no question of permanent employment of these officers in civil administration. They are on deputation only.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*1*), will the Hon'ble Minister be pleased to state if any of those officers are going to be appointed under category (*a*)(*2*), that is to say under the long term scheme for the reinforcement of the Civil Services?

Khan Bahadur MOHAMMED ALI: No, Sir. It is expressly stated that in the reply that the remaining officers will revert to their substantive posts under the Military in 1945.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government have any record of the amounts of money collected by these officers or some of them to be taken away from the province either by way of salary or other earnings before they retire from the service of this province?

Khan Bahadur MOHAMMED ALI: It is not clear what the honourable member means by "other earnings".

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware or not that one Colonel Ataway, a military officer deputed to the Civil Supplies Department, had got other earnings collected?

Khan Bahadur MOHAMMED ALI: I am not aware, but I do not understand what the honourable member means by "other earnings".

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that some military officers in the Civil Supplies Department are in the habit of taking illegal gratification by extending patronage?

Khan Bahadur MOHAMMED ALI: I am not aware.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have already got any cue of some of these allegations and they are now making investigations into the matter?

Khan Bahadur MOHAMMED ALI: Sometimes Government received allegations against some of the officers. There is no special classification of Army and non-Army officers. Enquires are also made. As the honourable member knows, sometimes prosecutions have also been instituted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there are a large number of Army officers who are regular in the habit of taking bribes in order to extend patronage?

Mr. SPEAKER: That question does not arise.

Dr. DHIRENDRA NATH DATTA: Is the Government aware that administration suffers on account of want of knowledge of the Army officers in civil law and criminal law?

Khan Bahadur MOHAMMED ALI: Government have no such information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, before these Army officers revert back to their regular posts in the Army early in 1945, Government propose to make any investigation as to whether there have been reports against them of a character that need criminal enquiry?

Khan Bahadur MOHAMMED ALI: No, Sir, Government have no such proposal.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state what are the reasons for which the Bengal Government requisitioned the services of Army officers?

Khan Bahadur MOHAMMED ALI: Because there was dearth of officers in the province and because Government departments have extended, particularly the Civil Supplies Department.

Mr. CHARU CHANDRA ROY: Are they under the control of the Bengal Government or under the control of the Government of India?

Khan Bahadur MOHAMMED ALI: When their services are placed at the disposal of the Government of Bengal, they are under the control of the Bengal Government.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state how long Government intend to keep these Army officers in civil service?

Khan Bahadur MOHAMMED ALI: I would refer the honourable member to reply (*a*) (*1*) and (*2*).

Mr. SPEAKER: Question time over.

Amendments to Assembly Procedure Rules.

Mr. SYED BADRUDDUJA: Sir, I beg to support the amendment so ably moved by my honourable friend, Mr. Sasanka Sekhar Sanyal, for referring the motion of Sir Nazimuddin to a Committee of the whole House. By overruling the point of order raised by Dr. Syamaprasad Mookerjee you have, Sir, given your decision on the legality or otherwise of the motion moved by Sir Nazimuddin but not as to whether the proposed amendments are *ultra vires* of the House or not. I was not at all amazed to find Sir Nazimuddin proposing these amendments, because consistent with the traditions of bureacracy in which he had his training he is the fittest person to introduce these things which are a threatened encroachment upon the rights and liberties of this House. Sir, besides, politically he belongs to a party to that Grand Fascist Council and derives his inspiration from it, a council that smacks too much of autocracy, professes to rule over the destinies of the Muslim nations but really wants to throttle their hopes and aspirations. The Constitution Act itself lays down clearly, as has been pointed out by so many speakers in this House, that the Governor will be vested with certain powers of rule-making only for specific purposes and the specific purposes have also been laid down clearly in the section itself. The Governor can make rules in his discretion not as advised by his Ministry, not under their guidance or advice in any form but in consultation with the Speaker of the Assembly or the President of the Council even with respect to the discharge of certain special responsibilities and duties imposed upon him in his individual judgment and discretion. So far as his individual judgment is concerned, if you refer, Sir, to the Instrument of Instructions you will find that Governor in his individual judgment never means that the Governor must accept ministerial advice. "In all matters within the scope of the executive authority of the province, save in relation to functions which he is required by or under the Act to exercise in his discretion, the Governor shall in the exercise of the powers conferred upon him be guided by the advice of his Ministers, unless in his opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the Act committed to him, or with the proper discharge of any of the functions which he is otherwise by or under the Act required to exercise

in his individual judgment; in any of which cases the Governor shall, notwithstanding his Ministers' advice, act in exercise of the powers by or under the Act conferred upon him in such manner as to his individual judgment seems requisite for the due discharge of the responsibilities and functions aforesaid". Nowhere it is laid down that the Governor will have any powers other than those contemplated in the Government of India Act. Nowhere it has been specifically stated that the Ministry in power or the party in power by any subterfuge, by any device or by any contrivance might arrogate to themselves or confer on the Governor of the province certain powers never contemplated in the Government of India Act. I consider that these rules are not only reactionary, but they are monstrous and subversive of healthy and successful functioning of democracy. Sir, throughout the last four or five decades Indians have fought for freedom, Indians have struggled for freedom, Indians have suffered and courted death for freedom. Even today when the civilised nations of the world contend that they are fighting to make the world safe for democracy, even when some of the greatest sons of the land including some of great Mussalmans are behind the prison bar their voice is sought to be stifled by this contrivance, by this chicanery, by this political jugglery. It is a vandalism of the worst type. A section of reactionaries here in their civilized madness and refined frenzy in the name of giving powers to the Governor of the province which perhaps the Governor himself never wanted, wants to curtail the rights and privileges of this House and delegate us to the position of a subordinate limb of the Secretariat or reduce us to a mere farce. It would have been much better for Sir Nazimuddin to have come forward with a definite proposal to stop the functioning of the Legislature for all times. After all he has a comfortable majority and he might have adopted questionable means to swell up his ranks and still further. It would have been much wiser, much more prudent, much more expedient for him, to bring up a proposal not to allow the Government of India Act to function here. Sir, the provincial autonomy is hedged in by so many safeguards that the Governor himself has been vested with certain powers which are derogatory to the real functioning of provincial self-government. The reserved powers and special responsibilities of the Governor make a curious blend and amalgum of autocracy and democracy in this country. Even men like Sir Samuel Hoare when the India Bill was being discussed and mooted in the Round Table Conference had to make apologies when introducing the safeguards in the constitution in these words: "These precautions are not the creations of theorists who wish to set up a system of checks and balances; these precautions are inherent in the actual facts. They are not intended to impede the organic development of the constitution and, last of all, cunningly devised to take away with one hand what they are giving with the other. In every case they are the direct results of the pressure of the existing facts and conditions". In other words, even men like Sir Samuel Hoare who has no reputation for being very generous in his sympathies for the aspirations of Indians had to strike that note while incorporating these safeguards, these checks and balances. But when they proposed to introduce all those safeguards in the constitution there was a joint protest from Indians representing various schools of thought and various shades of political opinion. There was then no scheme of Pakisthan, when some of the greatest minds of modern India including Mr. Mohammed Ali and even Mr. Mohammed Ali Jinnah had to declare with one voice that Indian aspirations should not be thwarted and that the Indians' right to freedom, Indians' right to self-determination and progressive realisation of self-government must be conceded to by the British Government without any checks and balances without any safeguards and restrictions. Even in the face of that, however, those safeguards were sought to be imposed upon India. Sir, today curiously enough when the world is fighting for democracy, when they say that the world is fighting for freedom, when the world is fighting for liberation from the thraldom of Nazism and Fascism,

there is a Nazi over here who has no regard for constitutional propriety, who has no regard for the rights and liberties, who wants to abrogate the rights of the House, who wants to encroach like Hitler on the rights and privileges which have been conceded so grudgingly by the British Parliament to Indians after 50 years of struggle. Even today some of the great leaders of modern India are behind the prison bar. They must be groaning behind the prison bar when they see that a section of the reactionary Indians are trying to thwart, are trying to strangle the rights and the liberties of the people.

Sir, it was pointed out by Sir Nazimuddin yesterday that there is guillotine in every legislature of the world. But can he point out one single instance from any legislature of any democratic country in the world where they have introduced these rules in the form of the proposed amendments? Can he point out one single legislature in the world which has framed rules which are repugnant to the spirit of the Constitution Act? Can he point out a single instance where people who plead in the name of Islam, who plead in the name of Muslim liberation, have tried to throttle Muslim opinion, have tried to strangle the voice of the progressive section of the community? It may suit his purpose at the present moment, as it suited him only two years ago behind the scene in those mysterious circumstances when he was put into power by the head of the province. It may suit him to conspire against the manhood of Bengal, it may suit him to conspire against the liberties of the people, it may suit him to conspire against the noblest ideals and aspirations for freedom, but it does not suit the progressive section of the community, both Hindus and Muslims, to subscribe to that slavish mentality, the mentality to restrain and to curtail the liberties of this House.

Sir, I will presently come to the Constitution Act itself. (A MEMBER FROM THE COALITION BENCHES: The Speaker has already given his ruling.) As I have already pointed out in the beginning, the Speaker has not given any decision whatsoever on the proposed amendments. He has given a decision only as to the legality or otherwise of the motion that was introduced in the House by Sir Nazimuddin. My friend does not understand the implication of the Speaker's ruling in this House. Like his leader Sir Nazimuddin he wants to confuse the whole House; he wants to mislead the whole House. The other day Sir Nazimuddin wanted to point out that the Governor is a part of the Assembly, that the Governor in his individual judgment or in his discretion must seek the advice of his Ministers. Sir, I do not know of any instance where the Governor has while acting in his discretion to consult the Ministers. The Governor is independent so far as the discharge of his responsibilities in his discretion is concerned. The Governor is separate also so far as his individual judgment is concerned. He is only to consult the Ministry in those circumstances, but is not bound to accept the advice of the Ministry in any way. The position has got to be clarified still further. Lord Zetland rightly pointed out that Governor in his discretion meant that the Governor must act independently of any Indian authority and must be responsible to British Parliament alone. The Assembly, Sir, is a sovereign body specially with regard to procedure and conduct of business therein. The constitutional progress in this country must advance on the lines of British Parliament, on the lines of the British constitution, not on the lines of Australian constitution, not on the lines of Hitlerian constitution or the constitution of Tojo. Sir, I have been much amazed to find the attitude of my European friends on this side. Whatever may be their record of service or disservice to the Indians in the past, whatever they have done in the past to crush Indian aspirations, it must be said to their credit that they have for the first time introduced Provincial Autonomy in some shape or form in this country. We for the first time have been used to this parliamentary institution because Britishers have conceded to Indians this right. May I ask whether Britishers have been so dead to their own constitution, so inconsistent with the traditions that

they have themselves established as to lend their support to the most reactionary, the most monstrous, the most mischievous, the most sinister proposal that has ever been brought before the House to curtail the rights and privileges of the members of the House itself? (Mr. PRAMATHA NATH BANERJEE: Don't count on them.) I never count on them. I count on the voice of justice, I count on the voice of truth, of liberty and freedom which can never be muffled, which can never be muzzled, which can never be crushed by anybody. In God's own time it will assume its own importance and it will be impossible for those reactionary elements to check it. The table will be turned and they will be turned down from the height which they have attained artificially, never to rise again. (Interruption from Coalition Benches.) I consider this question much too serious for any interruption.

Some of my friends yesterday were suggesting that this Government wanted to introduce these amendments only to pass the Secondary Education Bill, as if that is at all very unwelcome to us. We Moslems on the side of the Opposition have made it clear that we are not opposed to the Secondary Education Bill provided it is referred to a Select Committee so that the reactionary provisions of the Bill may be thrashed out and the Bill presented before the House in a more acceptable form.

Sir, I know that Government are sending the proposed amendments to a Select Committee because they know in their heart of hearts that these rules are derogatory to the spirit and letter of the Constitution Act itself; they know it for certain that these rules are inconsistent with the traditions of democracy with the Constitution Act which the British Parliament has introduced in this country; therefore this desire not to rush it through but to refer it to a Select Committee. Sir, my friend Dr. Nalinaksha Sanyal yesterday was moved almost to tears by the generous offer of Sir Nazimuddin. Generous offer indeed because it is an offer to stifle the voice of this House, generous indeed because it is an offer to curtail the rights of the House, generous indeed because it is an offer to flout and thwart the aspirations of the members and to stifle discussion, generous indeed because it is an offer to snatch away the rights of the House, generous indeed because it seeks to perpetuate a slavish government in this country and proposes to make even the legislature subordinate to the whims and caprices of a dozen gentlemen who are now in the Secretariat not because of their own merit, not because of their own contributions to public life, not because of their own qualifications, not because of their own efficiency, but because of the fact that a Governor so pitchforked them into the most comfortable position. There has been no generous offer in the past. The generous offer at the present moment is to stifle discussion, to curtail our liberties and to crush us in this way.

Sir, rule 84(1) of the Government of India Act says, "A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business:

Provided that, as regards either a Legislative Assembly or a Legislative Council, the Governor shall in his discretion, after consultation with the Speaker or the President, as the case may be, make rules—

(*a*) for regulating the procedure of, and the conduct of business in, the Chamber in relation to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment;

(*b*) for securing the timely completion of financial business."

So, Sir, if the Governor has to frame any rule that must be done in consultation with the Speaker or the President, not otherwise. He is under no circumstances, according to the Government of India Act, to consult the Ministry to frame any rule even for the discharge of special responsibility which has been imposed upon him either in his discretion or in his

individual judgment. The Government of India Act never contemplated for a single moment that the Governor of a province would have more additional power in supersession of what has been given to him under the Act—powers which have been too sufficient for him, powers which have been almost autocratic in a system of democracy. Even the Government of India Act did not contemplate it, but here the Ministry is so subservient, the Ministry is so slavish that it wants to give him more power, because it is grateful enough to him. Its very existence is due to the initiative of the Governor. It is a part of the programme. In the North-West Frontier Province, in Sind, in Assam, throughout India wherever these Ministries are in power, they are there due to the support, due to the sympathy of the Governors of those provinces. Without their support, without their sympathy, without their guidance, without their initiative they cannot stand for a single minute. Sir, I wonder how my European friends on that side could sympathise with a reactionary proposal of this character. They might try to oppose us in every possible way as they did in the past, but I do not understand for a single moment how they can go back upon their own tradition, how they can be inconsistent with their own tradition.

Therefore, Sir, I submit that I consider this question very serious, pregnant with sinister possibilities, really dangerous for the smooth working and functioning of Provincial Autonomy in India. It is bound to have serious repercussions upon the entire constitutional advancement of the country. Sir, today throughout India a particular section of reactionaries has been trying to hold up the constitutional advancement of the country. We had discussions with some responsible Americans. They too are prepared to concede the freedom of India, provided only the Indians themselves composed their differences, provided only Indians adjusted their differences not by creating unnecessary obstacles in the path of constitutional advancement of the country, not by creatnig difficulties and complications which might vitiate and corrupt the atmosphere and retard the attainment of full self-government, but by accepting and facing the realities of life and trying to come to an understanding between the Hindus and Muslims in the best possible form.

I repeat, Sir, that the Ministry's offer is not a generous one; it is an offer which smacks of vandalism, it is an offer which smacks of autocracy of the worst type that can ever be conceived of.

With these few words, Sir, I support the amendment moved by my esteemed friend Mr. Sasanka Sekhar Sanyal. (Applause from Opposition benches.)

SJ. NARENDRA NATH DAS GUPTA: Mr. Speaker, Sir, বাংলার কবি অনেক দুঃখে গেয়েছিলেন, "স্বাধীনতা হীনতায় কে বাঁচিতে চায়রে কে বাঁচিতে চায়, দাসত্ব শৃঙ্খল বল কে পরিবে পায় রে, কে পরিবে পায়" আর স্যার নাজিমুদ্দীন এবং তাঁর অনুচরের দল সেই কবিকে স্পষ্টভাবে জবাব দিচ্ছেন যে, "স্বাধীনতা হীনতায় কে বাঁচিতে চায় রে, দাসত্ব শৃঙ্খল বল কে পরিবে পায় রে"। আজ বাংলার লীগ মন্ত্রী-মণ্ডলী এবং তাঁদের অন্ধ সমর্থক এবং স্তাবকেরা সেই উত্তর দিচ্ছেন, যে এক শ্রেণীর জীব বাংলাদেশে উৎপন্ন হয়েছে, বিশেষতঃ এই Assemblyর মধ্যেই যারা স্বাধীনতা হীনতায় বাঁচাটা সব চেয়ে বেশী কাম্য মনে করে, এবং দাসত্ব শৃঙ্খলকে সবচেয়ে বেশী সম্মানজনক মনে করে। (A VOICE: অনেক দিনের পুরাণো জিনিষ।) Government of India Actএ আমাদের বিশেষ কোন স্বাধীনতা দ্যায় নি, স্বরাজ'ত দূরের কথা। কংগ্রেস যখন সেই constitutionকে work out করতে প্রস্তুত হয় তখন তারা Governor-Generalএর কাছ থেকে একটা প্রতিশ্রুতি আদায় করে নিয়েছিল, যে "হে ইংরাজ তোমরা যা দিয়েছো তা ত আমরা জানি; তোমরা আমাদের যেটুকু স্বাধীনতা দিয়েছো বিচরণ করার তার সঙ্গে সঙ্গে তোমরা করেছো কি, পায়ে দড়ি বেঁধে দিয়ে খোঁটাটা দিয়েছো Governorএর হাতে; ততক্ষণ, অবাধে বিচরণ করতে পারবে যতক্ষণ Governor খোঁটা ধরে টান না দ্যায়। আর যদি ঐ খোঁটা ধরে টান দিলে পর তোমরা টানা হেঁচড়া কর তাহলে Governor এমনতর টান দেবে যে চিৎ হয়ে পড়ে যাবে; ঐ ৯৩ তখন apply হবে। ঠিক এমনি সুশৃঙ্খলভাবে একটা অলীক স্বাধীনতার আবহাওয়া সৃষ্টি করে তারা দিয়েছে

এই Government of India Act of 1935এ। কিন্তু তার মধ্যেও হঠাৎ আজ অধীনতার ভক্তের দল বলছে "শুধু ঠ্যাংগে দড়ীতে আমরা সন্তুষ্ট নই; ঐ যে Assembly'র মধ্যে ঠ্যাংগে দড়ি সত্ত্বেও একটু শিং নাড়তে পারে সেটাও অসহ্য। কাযেই শিংগেও দড়ি পড়ুক। বর্ত্তমানে যে Procedure Rule Amendment Act এসেছে, পূর্ব্বে Government of India Actএ আমাদের ঠ্যাংগে যে দড়ি ছিল তদ্দ্বারা Sir Nazimuddin শিংগেও দড়ি পরাবার চেষ্টা করছেন। এই নূতন আইন প্রসঙ্গে সার নাজিমুদ্দীন প্রথমে একটি ইঙ্গিত করেছেন যে তিনি অতি সুবুদ্ধিপ্রণোদিত হয়ে আইনটি করেছেন। এটি অন্য পক্ষের লোকেরা বুঝতে পারছে না, তাদের একটু বুদ্ধি কম। যখন সার নাজিমুদ্দীন এই কথাটা বলেছিলেন তখন আমার একটা গল্প মনে পড়েছিল। সেই গল্পটা হচ্ছে এই যে এক পাড়াগাঁয়ে গ্রাম্য লোকেরা হঠাৎ একদিন একটা নূতন জানোয়ারকে দেখলে। তারা মনে করলে এটা কি নূতন জানোয়ার; অর্থাৎ গায়ে আছে লোম, কালো কালো, সেখানে মাটিতে তার শুড়টাকে গুজে সে বসে আছে। গ্রামের লোকেরা বললে একি নূতন জানোয়ার, তারা দিশাহারা হয়ে চলে গেল তাদের সেই মোড়লের কাছে। মোড়লকে ডেকে নিয়ে আসলো। মোড়ল তাকিয়ে দেখছে, কাছে যায় না। দেখতে দেখতে তিনি হঠাৎ হাউ হাউ হাউ হাউ করে কেঁদে উঠলেন। কিন্তু পরে আবার চুপ করে হো হো করে হেসে উঠলেন। (laughter) হাঁ হাসবেন আপনারা, কাঁদবো আমরা, তারপরে শেষে জিজ্ঞাসা করলো মোড়লকে এ কি ব্যাপার, এর পিছনে নিশ্চয় কোন অদ্ভুত তত্ত্ব আছে, মোড়ল কাঁদেই বা কেন আবার হাসেই বা কেন। তখন বিনীত-ভাবে জিজ্ঞাসা করলে যে আজ্ঞে মোড়ল মহাশয়, "আপনি কাঁদলেনই বা কেন হাসলেনই বা কেন?" তখন মোড়ল বল্ল, "দ্যাখ্, আমি কেঁদেছি এই জন্য যে সাধারণ একটা ব্যাপার হলেও তোরা আমাকে ধরে টানা হেঁচড়া করে নিয়ে আসিস্; আমি মারা গেলে তোদের কি দশা হবে? তাই আমি কাঁদছিলাম।" তারা বল্ল, "তা ত বুঝলাম, হাসলেন কেন?" উত্তর দিল "হাসছি এই জন্য যে দেখে শুনে, দেখলাম যে আমিও কিছু বুঝি না।" জানোয়ারটা আর কিছু নয়; তালের বাঁচি। আমাদের সার নাজিমুদ্দীনও বলছেন সেই মোড়ল মহাশয়ের মতন যে তোমরা ত বুঝতে পারছো না; Governor "মন্ত্রীর সঙ্গে পরামর্শ করে বিচার করে," "Governor নিজের খাস ইচ্ছায় সিদ্ধান্ত করে" কি যে বোঝায় সে কথা তোমরা বুঝতে পারছোনা। যদি সার নাজিমুদ্দীনকে জিজ্ঞাসা করা যায় তাহলে তিনি একবার হাসতেন একবার কাঁদতেন। (A voice: বেশ! বেশ!) সেই দৃশ্যটি আমরা সেদিন দেখেছি সার নাজিমুদ্দীন যখন এই বক্তৃতা দিচ্ছিলেন। যারা নিজেরা বিষয়টা বোঝে না তাদের কাছে সেটা হয়ে দাঁড়ায় অত্যন্ত জটিল এবং তারা মনে করে যে আমি যখন বুঝছি না, এ পৃথিবী শুদ্ধ কেউ বুঝছে না। অথচ যে ব্যাপারটা কত সোজা সে হক সাহেব তাকে দু' কথায় বুঝিয়ে দিয়েছেন যে এটির অর্থ এই, এটার অর্থ এই। আর পরোক্ষভাবে বুঝিয়ে দিলেন Sir Nazimuddinকে। আর সার নাজিমুদ্দীন এই আইনটি করার পর আমাদের আশ্বাস দিয়ে বলছেন, "দেখো হে, আমি যা করেছি তোমাদের সঙ্গে পরামর্শ করেই করেছি, তোমরা নিশ্চিন্ত থাকো। আমি আমার মনটাকে বরাবর খোলা রেখেছি।" একথা শুনে আমাদের মধ্যে কেউ কেউ ভাবলেন যে হয়ত বা হবে, তিনি আমাদের সঙ্গে পরামর্শ করে করবেন, সেটা অতিশয় ঠিক। তরবারি হস্তে, গিয়েছিল গৃহস্থকে হত্যা করতে, ডাকাত। সেই ডাকাত যেয়ে গৃহস্থকে বলছে "ওগো গৃহস্থ, আমি তোমাকে হত্যা করে তোমার টাকা পয়সা নেবো। কিন্তু আমি অত্যন্ত সদাশয়; অতিশয় সাধু প্রকৃতির লোক। কাযেই তোমাকে কোন যায়গায় কোপ দিয়ে কাটবো সেটা তোমার সঙ্গে পরামর্শ করে আমি করবো।" আমাদের সার নাজিমুদ্দীন, তিনি আমাদের সঙ্গে পরামর্শ করবেন। তরবারি হস্তে ঠিক আছে, এবং কাটবেন সেটাও ঠিক আছে। তবে কোন যায়গায় কোপ দিয়ে আমাদের কাটবেন সেটা একটু আমাদের সঙ্গে পরামর্শ করে করবেন। আর সেই কথা শুনে আমাদের ডাক্তার নলিনাক্ষ সান্যাল আনন্দে গদ্‌গদ।

এখন আসল কথা হচ্ছে, আমাদের সার নাজিমুদ্দীনের তাঁর এই আইনটা প্রণয়ন করার উদ্দেশ্য কি? উদ্দেশ্য তিনি বলে ফেলেছেন কথা প্রসঙ্গে। তিনি বলেছেন যে Governor with the advice of Ministers কি বুঝতে পারছো না ঐ আমাদের মন্ত্রীরা যা বলে দেবে তাই Governor মেনে নেবে। এটা সেই ব্যবস্থা। ধরে নিচ্ছি যে সেই ব্যবস্থা। তাহলে পর সার নাজিমুদ্দীন এতখানি ঘোরালো না করে একথা বলতে পারতেন যে যেমন Governorএর অধিকার আছে Ordinance আইন প্রণয়নের তেমনি যে Chief Minister তারও অধিকার থাকবে যখন প্রয়োজন হয়, এই Assembly'র মধ্যে একটা Ordinance করে ঐ Speakerএর উপর একটা আইন খাটিয়ে দেওয়ার যে "এইভাবে তুমি ruling দেবে, এইভাবে তুমি দেবে না, এতটুকু তুমি বুঝবে, এতটুকু তুমি বুঝবে না।" এই রকম একটা আইন করে দিলে ত সেটা চুকে যায়; কেননা এত হাঙ্গামার মধ্যে তুমি পড। Assembly Procedure Rulesটা একটু পড়ে দেখবেন তাহলেই বুঝবেন আমার কথাটা বেশী তুচ্ছ না। সেই আইনের মধ্যে Governorএর হাতে সম্পূর্ণ এই অধিকার দেওয়া আছে যে তিনি যে কোন rule frame করবেন; Speakerএর সঙ্গে পরামর্শ করে সবই করতে পারবেন। আচ্ছা

আজ যদি এই Assembly'র কার্য্য পরিচালনার জন্য কোন অসুবিধা বোধ করে কেউ, সে অসুবিধা সব চেয়ে বেশী বোধ করবে কে? Speaker। কিন্তু এ ব্যাপারে Speaker কোথায়? এই বিলটা যখন উপস্থিত করা হলো, Speaker কিছু বলছে না; এসে হাজির আমাদের সার নাজিমুদ্দীন। কি প্রকার বোঝাই। আমরা ছোট-বেলায় একখানা Shakespeareএর drama পড়েছিলাম। এবং সে drama'র যা নাম আছে, আমাদের Assembly সেটা হয়ে উঠছে; অর্থাৎ Midsummer Night's Dream। এবং তার মধ্যে যিনি Hero ছিলেন তিনি Bottom the weaver এবং তিনি part নেবার সময় বলেছেন: স্ত্রীপুরুষনির্বিশেষে I shall play Thesbi too; অর্থাৎ যে partই হয় সেই partই বলছে, এ part আমি নেবো। সার নাজিমুদ্দীন Assemblyতে বলেছেন যে আমি ত প্রধান মন্ত্রী আছিই, দ্বিতীয়, আমার কথা অনুসারে ত Governor চলবে সুতরাং আমিই Governorএর অন্তরালে Assemblyর আলোচনায় নির্দেশ প্রদান করবো। তৃতীয় I shall play the Speaker too? (laughter) এবং সেই "I shall play the Speaker too" সেইটে করার জন্য এই নূতন আইনটাকে তিনি গোপনে ঘুরিয়ে ফিরিয়ে এনে হাজির করছেন। (Hear, hear.) আচ্ছা, জিজ্ঞাসা করি এই যাঁরা এতক্ষণ বলছিলেন কি, না চেঁচামেচি করছিলেন, এই আইনটা পাশ হলে পর Speaker থাকবে কিসের জন্য এবং মাসে মাসে আমরা যে ২ হাজার টাকা তাঁকে দেই সেটা কিসের জন্য? তাঁরা হয়ত বলবেন যে Speaker বেচারা অনেক কষ্ট পায়, তাকে সে কষ্ট থেকে নিষ্কৃতি দেবার জন্য এই বিল এনেছি এবং তার ক্ষোভ দূর করার জন্য তার মাইনে ২,০০০এর যায়গায় ৩,০০০ করে দাও। আবার সঙ্গে সঙ্গে আমরা যে Assemblyর member, আমাদের Assemblyতে এতটা কিছু করা লাগবে না; সেজন্য আমাদের জন্য একটা আইন আসছে দেখছি মাইনে বাড়াবার,—সে মাইনেটা দেড়শোর যায়গায় না হয় ৩০০৲ বা ৫০০৲ হবে। যতই আমরা কিছু করবো না, ততই আমাদের মাইনে বেড়ে যাবে। যাই হোক এখন কথা হচ্চে যে এই যে আইনটা আনা হচ্ছে এটি যাচ্চেন Select Committeeতে এবং Select Committeeতে যেয়ে এর কি দশা বা ভাগ্য হবে সে Select Committeeওয়ালারা জানেন। এখন আসল কথাটি হচ্ছে কি? এই আইনটি করছেন যিনি তিনি ইতিহাসের একটি কথা ভুলে যাচ্চেন সেটা হচ্চে এই যে ফরাশী বিপ্লবে যিনি guillotine সৃষ্টি করেছিলেন ঐ guillotineএ তাঁরও ঘাড় কেটেছিল। কাযেই যে আইনটা আজ Sir Nazimuddin এনেছেন যদি এটা কোন রকমে পাশ হয় আমি বলে দিতে পারি, দিন খুব বেশী দূরে নয় যে দিন এই আইনই আবার তাঁদের ঘাড় পর্য্যন্ত কেটে নেবে, (A VOICE: "আচ্ছা"। A voice from the Opposition: "সাধু," "সাধু")। কাযেই আমি তাদের সুবুদ্ধি দিতে না পেরে থাকি, তাদের চিত্তের ভিতর আতঙ্কের সৃষ্টি করে বলছি যে এ পাপ আইন তাঁরা উপস্থিত না করেন আমাদের এই Assembly'র সামনে এই আইন একবার যদি পাশ হয়ে যায় তবে যারাই মন্ত্রিসভা গঠন করুক না কেন, মানুষ যখন প্রভুত্ব পায় সেই প্রভুত্ব পরিচালনার যে সমস্ত সুযোগ-সুবিধা তা সে কখনও সহজে ছাড়তে চায় না। মানুষ অত্যাচারের বিরুদ্ধে বিদ্রোহ করে করে যখন নিজে অধিকার পায় তখন অধিকারকে বজায় রাখবার জন্য কম অত্যাচার করে না আজ Russia'র Stalin Czarএর চেয়ে হাজার গুণ বেশী অত্যাচার করে নিজের অধিকারকে বজায় রেখেছে। এটা পৃথিবীর ইতিহাসের শিক্ষা, কাযেই সে দিক দিয়েও আমি বলছি যে এই এমন মারাত্মক আইন কখনও আপনারা পাশ করতে যাবেন না; সে এক দিন আপনাদেরই বিপদ টেনে আনবে। (A VOICE: সে চিন্তা নিজে করুন, নিজে বিবেচনা করুন।) Secondary Education Bill পাশ করতে হবে, সে জন্য এই আইনটি চাই। Secondary Education Bill পাশ ঠেকিয়ে রাখবে কেন ওরা? কাযেই এটা আমরা পাশ করে নিয়ে Secondary Education Bill আমরা পাশ করেবো—কোন কৌশল চালাতে দেব না। এই হচ্চে মতলব। কিন্তু আমি বন্ধুদের বলে দিচ্ছি যে মানুষে যত দুর্গই রচনা করুক না কেন, যত সেনা সন্নিবেশই করুক না কেন, সে বিফল হয়ে যায়। ঐ যে Maginot line তৈরি করেছিল ফরাশীর মস্ত বড় সমরবিশারদ, সে ভেবেছিল যে এই Maginot lineএর পর আর কেউ ফরাশী ভূমিতে আসতে পারবে না। কিন্তু এই Maginot line দেখতে না দেখতে চুরমার হয়ে গেল, German সৈন্য তার ভিতর দিয়ে ঢুকে পড়ল ঠিক তেমনিভাবে আজ যে Maginot line তৈরি করছেন বর্ত্তমান মন্ত্রিমণ্ডলী তারাও হয়ত দেখতে পাবে যে কোন দিক থেকে সে Maginot line ভেঙ্গে চুরমার হয়ে গিয়েছে এবং তাদের সমস্ত প্রচেষ্টাকে পণ্ড করে দিয়ে বহুবার স্বাধীন জনমতের বিপুল অভিযান তার পূর্ণ অধিকার সংরক্ষিত করছে।

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব, আজকে বর্ত্তমান প্রধান মন্ত্রী খাজা স্যার নাজিমুদ্দিন এই পরিষদের কার্য্যপরিচালন-বিধির যে মারাত্মক সংশোধন প্রস্তাব উপস্থিত করেছেন, তার উপর শশাঙ্কশেখর সান্যাল মহাশয় যে সংশোধন প্রস্তাব এনেছেন, আমি তা সমর্থন করতে দাঁড়িয়েছি। ইতিপূর্ব্বে অনেকে স্যার নাজিমুদ্দিনের সরলতা সম্বন্ধে আলোচনা করেছেন। কেহ কেহ বা তাঁর সরলতার উপর বিশ্বাসও আংশিকভাবে করেছেন।

কিন্তু আমি তাঁর সরলতা সম্বন্ধে প্রথমে বলবো। যখন আমরা প্রথমে নির্বাচিত হয়ে আসি এবং যখন তিনি নিদারুণভাবে পটুয়াখালির ভোট যুদ্ধে হক সাহেবের সঙ্গে নিদারুণভাবে পরাস্ত হন, আবার যখন সরলতা দেখিয়ে কলিকাতার উত্তর অংশে দাঁড়াবার জন্য হক সাহেবের নিকট আত্মসমর্পণ করেছিলেন--সেই সময় আমি হক সাহেবকে সাবধান করে বলেছিলাম, "হক সাহেব, খাজা স্যার নাজিমুদ্দিনের সরলতায় যদি আপনি বিশ্বাস করেন তাহলে নিশ্চয়ই আপনি প্রতারিত হবেন। এবং খেঁয়াড়ে আবদ্ধ বাঘের কাকুতি-মিনতি ও সরলতায় বিশ্বাস করে জোলা সেই বাঘকে ছেড়ে দিয়ে যেভাবে বিপদাপন্ন হয়েছিল আপনিও সেই ভাবেই বিপদাপন্ন হবেন। জলে ভিজে শরণাপন্ন ইঁদুরের সরলতায় বিশ্বাস করে ঈগলপাখি সেই ইঁদুরকে পাখার মধ্যে স্থান দিয়ে শেষে পাখাশূন্য হয়ে বিপদাপন্ন হয়েছিল, আপনিও সেইভাবে বিপদাপন্ন হবেন। প্রকৃতপক্ষে হয়েছেও তাই।

এহেন লোকের সরলতার উপর দুনিয়ার মানুষ যদি বিশ্বাস করে তাহ'লে সে মানুষ কিছুতেই দুনিয়ার মানুষ হিসাবে বাস করতে পারবে না। বিশেষ করে স্বাধীনতাকামী কোন মানুষ যদি এই জাতীয় বৃটিশ সাম্রাজ্যবাদের ফ্যান্‌চাটা লোকের কথার উপর বিশ্বাস করে তার চেয়ে মারাত্মক ভুল আর কিছু স্বাধীনতাকামীর পক্ষে হ'তে পারে না। মাননীয় সভাপতি সাহেব, এই পরিষদে আমরা আজকে যে উপস্থিত হয়েছি, যে সামান্য অধিকারটুকু আমরা পেয়েছি, এই অধিকারটুকু পাওয়ার জন্য এই ভারতবর্ষের লক্ষ লক্ষ নরনারীর জীবন আহুতি দিতে হয়েছে, কারাগার বরণ করতে হয়েছে, পুলিশের অত্যাচার সহ্য করতে হয়েছে, তা আজ আমরা হারাতে বসেছি। তাই আমি বলবো সায়খুল হিন্দ মৌলানা মাহমুদুল হাসান সাহেবও এই অধিকার লাভের জন্য মাল্টা দ্বীপে কয়েদ হয়েছিলেন। বর্তমান সায়খুল হিন্দ মৌলানা হোসেন আহমদ মদনী সাহেবও এই জাতীয় ভুরি ভুরি লোক আজ কারাগারের অন্তরালে বাস করছে। অহরহ: বাস করছে এই অধিকার লাভের জন্য। আরও আমি বলবো এই জাতীয় বহু নেতা নেতৃস্থানীয় লোক, যারা আজকে কারাগারের অন্তরালে রয়েছেন, যে অধিকার লাভের জন্য, আমরা দেখছি যখন সেই অধিকার লাভের আন্দোলন সৃষ্টি হয়েছিল, তখন স্যার নাজিমুদ্দিন ও তাঁর শ্রেণীর বহু reactionery বা প্রতিক্রিয়াশীল লোক বা ইংরেজের ফ্যান্‌চাটা লোক পাতার আড়ালে গা ঢাকা দিয়ে বসেছিলেন এবং অপেক্ষা করতেছিলেন। যদি এই জাতীয় লোকের ত্যাগের বিনিময়ে কোনদিন কোন অধিকার আসে তাহ'লে ঐ ফ্যান্‌চাটার দল ওঁৎপেতে বসেছিল। সেই অধিকারের বড় অংশটা কি করে লাভ করা যায় সেইভাবে চিন্তা করিতেছিলেন। কথায় আছে, খোদাতালা যদি অনুগ্রহ এই দুনিয়ায় প্রেরণ করতে চান, তাহ'লে খোদাতালাও তাঁর শ্রেষ্ঠ বান্দা মানুষ জাতির পরম শত্রু সয়তান প্রথমে ভাগ নেবার জন্য বসে থাকে। তার যথেষ্ট প্রমাণ রয়েছে, কোরাণে বর্ণিত আছে, "ওয়ালা আরচাল্‌নাকা ইল্লা রাহ্‌মাতুল্লিল আলামিন", অর্থাৎ হজরৎ মহম্মদকে খোদা এই বাণী দিলেন--"হে মহম্মদ, তোমাকে এই জগতের জন্য একটি মূর্তিমান দয়া-স্বরূপ আমি প্রেরণ করছি।" তখন সয়তান তার একটি শাস্তি ছিল। সকাল বেলা একজন ফেরেস্তা তার দক্ষিণ গালে একটি চড় মারতো তার ফলে বেহুস হয়ে থাকত সারাদিন। আবার সন্ধ্যার সময় আর একটি চড় মারত বাম গালে তার জ্বালায় বেহুস হয়ে থাকত সারারাত্রি। তখন খোদাতালার এই বাণী অবতীর্ণ হ'ল জলদ গম্ভীর স্বরে "ওয়ালা আরচাল্‌নাকা ইল্লা রাহ্‌মাতুল্লিল আলামিন।" "হে মহম্মদ, তোমাকে আমি একটি মূর্তিমান দয়াস্বরূপ জগতের জন্য প্রেরণ করছি।" তখন সয়তান মাথাতুলে দাঁড়িয়ে বললো, "হে খোদা, সমস্ত জগতের জন্য যদি আজ মহম্মদকে দয়া করতে পাঠিয়ে থাক তাহ'লে আমিও তো জগতেই আছি, আমি তার দয়ার অংশ পেতে পারি না?" এই দাবী সে যখন করে বসলো তখন খোদাতালার অনুগ্রহে সে যে সকালবেলা একটি চড় খেত ও বিকালবেলা একটি চড় খেত, এই শাস্তিটা তার বন্ধ হয়ে গেল এবং সয়তানী করতে পূর্ণ সুযোগ পেল। মাননীয় সভাপতি সাহেব, এদিক থেকে বলতে হয় আজকে এই ভারতবর্ষের এই স্বাধীনতা লাভের জন্য যে সমস্ত লোক ইহজগত ছেড়ে চলে গিয়েছেন তাদের মধ্যে সকলের নাম না বললেও দু'জন লোকের নাম না বলে আমি পারছি না। একজন হলেন সেখুল হিন্দ মৌলানা মাহমুদুল হাসান সাহেব এবং আর একজন মৌলানা মহম্মদ আলি সাহেব যিনি বিলাতের গোলটেবিল বৈঠকে ঘোষণা করেছিলেন; "স্বাধীনতার মৌলিক অধিকার হাতে না লইয়া গোলামের দেশে ফিরব না।" আপনারা আশীর্বাদ করুন এই স্বাধীন দেশে যেন আমার কবর হয়। এই সমস্ত লোকের আত্মার বিনিময়ে আজ যে সামান্য অধিকার আমরা পেয়েছি, তা ও আজকে এই প্রতিক্রিয়াশীল সাম্রাজ্যবাদী ইংরেজের এজেন্টদের হাতে তুলে দিতে যাচ্ছি। সেজন্য তাদের আজ ধিক্কার দিচ্ছি। আর একদিনের বক্তৃতায় বলেছিলাম এই পরিষদের প্রথম অধিবেশনে যখন গণ্ডার রক্ষা আইন পাশ হয় তখন বুঝতে পারি নাই যে ও আইন কেন হচ্ছে। কিন্তু এখন বুঝেছি গণ্ডারের চামড়া এই মন্ত্রীদের পিঠে বাঁধবার জন্য। এই গণ্ডারের চামড়া পিঠে বাঁধা থাকলে আর বিরোধী দলের চাবুক তাদের গায় ফুটবে না।

At this stage the House was adjourned for 15 minutes.

(After adjournment).

Maulvi ABDUL WAHED : মাননীয় সভাপতি সাহেব, আজকে স্যার নাজিমুদ্দিন এই পরিষদের অধিকারকে গভর্ণরের হাতে তুলে দিতে যাচ্ছেন কেন? তার কতিপয় কারণ রয়েছে। একটি কারণ হচ্ছে এই তিনি এবং তাঁর মন্ত্রিসভা এবং তাঁর সমর্থনকারী সকলে এই বাংলা দেশে জনসাধারণের উপরে যেভাবে অবিচার ও অত্যাচার দিন দিন বহিয়ে যাচ্ছেন তার যাতে প্রতিকার না হতে পারে, তার যাতে সঙ্গত প্রতিবাদ ও সমালোচনা হতে না পারে সেজন্য গভর্ণরের দ্বারা সময়টি যাতে কম দেওয়া যায় তার ব্যবস্থা করছেন। আর একটি মস্তবড় কারণ রয়েছে যে স্যার নাজিমুদ্দিনের মন্ত্রিসভার সমর্থনকারী দলের মধ্যে এমন সব লোক জড় হয়েছে, যাদের সম্বন্ধে দেশবাসীর গুরুতর আপত্তির কারণ রয়েছে এবং গভর্ণমেণ্টেরও যথেষ্ট দায়িত্ব রয়েছে। সেই দলের ভিতর যদি অনুসন্ধান করা যায় তাহলে দেখা যাবে সেই দলে যাঁরা আছেন, তাঁদের মধ্যে কেউ বা সেণ্ট্রাল ব্যাঙ্কের টাকা নষ্ট করে অপরাধী সাব্যস্ত হয়েছেন, কেউ বা অন্য কোন সৎপ্রতিষ্ঠানের জন্য টাকা নিয়ে আত্মসাৎ করে অপরাধী সাব্যস্ত হয়েছেন। এই জাতীয় লোক নিয়ে স্যার নাজিমুদ্দিন মন্ত্রিসভা গঠন করেছেন।

Mr. DEPUTY SPEAKER : Order, order,. All this is irrelevant. You must come to the point.

Maulvi ABDUL WAHED : স্যার, এই প্রতিক্রিয়াশীল মন্ত্রিসভা এবং প্রতিক্রিয়াশীল গভর্ণমেণ্টের অন্যায় কার্য্যের সমালোচনা করতে গেলে অনেক কথা এসে পড়ে। যা'হোক আপনার নিষেধ মেনে সে সব সত্য ও উচিত কথাগুলি বলতে বিরত থাকলাম। আজকে এই যে ভারতবর্ষের কোটি কোটি লোকের যে দাবী সে দাবীর যে আংশিকভাবে আমরা যেটুকু পেয়েছিলাম তার ক্ষমতাটি আজকে স্যার নাজিমুদ্দিন বাংলার প্রধান মন্ত্রী হিসাবে এই পরিষদের ক্ষমতাকে খর্ব্ব করে কেন গভর্ণরের হাতে তুলে দিচ্ছেন সেটি মস্তবড় একটি প্রশ্ন। স্বতঃই দেশের জনসাধারণের প্রাণে যেসব প্রশ্ন জাগবে ও জাগে এবং আমার মনে ত বিশেষকরে তা জেগেই আছে এবং সে সম্বন্ধে আমি আলোচনা করব।

আমার অনেক বন্ধু বলেছেন যে এ আইন করার প্রয়োজন রয়েছে। অনেকে বলেছেন যে এই মাধ্যমিক শিক্ষা আইনটা পাশ করবার উদ্দেশ্যে এইভাবে এই কার্য্যবিধি সংশোধন করছেন। আমি তার বিরুদ্ধে প্রতিবাদ করছি। যেহেতু এই মাধ্যমিক শিক্ষা বিল পাশ করবার জন্য এই মন্ত্রিসভা তা এই পরিষদে উপস্থিত করেন নাই। এটি শুধুমাত্র লোক দেখানর জন্য। আর এই যে মাধ্যমিক শিক্ষা বিলের আজ ব্যবস্থা করা হয়েছে সে ব্যবস্থা জনসাধারণকে শিক্ষা দিবার জন্য ব্যবস্থা নয়, সে জনসাধারণের শিক্ষা ব্যবস্থাকে হরণ করবার জন্য। আজকে যেমন এই পরিষদের ক্ষমতা হরণ করা হচ্ছে এই প্রস্তাবিত আইন দ্বারাতে, ঠিক তেমনিভাবে মাধ্যমিক শিক্ষাকে হরণ করবার ব্যবস্থা করেছেন বর্ত্তমান গভর্ণমেণ্ট। কাজেই সেটি শুধুমাত্র একটি লোক দেখান'র জন্য এনেছেন। যদি এই মাধ্যমিক শিক্ষা দিবার জন্য আইন করা হ'ত, তাহ'লে যেখানে বাংলা দেশে এক কোটি পঁচিশ লক্ষ টাকা মাধ্যমিক শিক্ষার জন্য বরাবর খরচ করে গভর্ণমেণ্ট এসেছেন, সেখানে এই মাধ্যমিক শিক্ষা আইনের ভিতর মাত্র ২৫ লক্ষ টাকা বরাদ্দ হ'ল কেন? আর এক কোটি টাকার শিক্ষা আসবে কোথা থেকে? যদি বলা হয় সেটা আমরা পূরণ করে নেব, তা হ'লে সেই টাকা আসবে কোথা থেকে? স্বতঃই প্রশ্ন আসে যে হয় তাঁরা এইভাবে শিক্ষাকে ক্ষয় করে দেবেন, না হয় যদি এই এক কোটি টাকা পূরণ করার ব্যবস্থা তাঁদের করতে হয় তা'হলে দরিদ্র জনসাধারণের উপর তাঁদের আর একটি ট্যাক্স ধার্য্য করতে হবে। তা ছাড়া পারবে না। কাজেই এক্ষেত্রেও তাঁরা এই আইন দ্বারা এইভাবে ক্ষমতা হরণ করবার বেলায় স্যার নাজিমুদ্দিনের মোটেই দ্বিধাবোধ হচ্ছে না। তার কারণ হচ্ছে এই যে ক্ষমতা আমরা যা আজ লাভ করেছি আংশিকভাবে যে দাবীর উপরে সেটা স্যার নাজিমুদ্দিনের কামাই নয়, তাঁর মত reactionery প্রতিক্রিয়াশীল লোকের কামাই নয়। তারা পাতার আড়ালে গা ঢাকা দিয়া অপেক্ষা করতেছিলেন এবং সে সুযোগ তারা ভোগ করেছেন। আমার একটি কথা মনে পড়ে আজ। একজন লোক একটি শাল দিয়ে তার জুতার ধুলা সাফ্ করছে দেখে আর একজন লোক তাকে জিজ্ঞাসা করল, "ভাই, তোমার শালের দাম হয়ত ৫০৲ টাকা হবে, ৩৲ টাকার জুতা, সেই ৫০৲ টাকার শাল দিয়ে সাফ্ করছো কেন?" সে বললো, "শালটি আমার বাবার কামাই, আর জুতা আমার কামাই। কাজেই সে টাকাত আর আমার কামাই নয়?" সেই রকম আজ ভারতবর্ষে যে অধিকার এসেছে বা আরও আসবে সে অধিকার কামাই করবার জন্য স্যার নাজিমুদ্দিনের বিন্দুমাত্র ত্যাগ নাই--বিন্দুমাত্র সহানুভূতি নাই। স্যার নাজিমুদ্দিন বরং তার বিরোধিতা করে এসেছেন। অধিকার লাভের এই আন্দোলনে যারা ঝাঁপিয়ে পড়েছিল স্যার নাজিমুদ্দিনের ইঙ্গিতে এবং অর্ডারে বহু লোককে জেলে পোরা হয়েছিল। সেই স্যার নাজিমুদ্দিন আজ তাদের উপার্জ্জিত ক্ষমতা হাতে নিয়ে সেই শাল দিয়ে ধুলা ঝাড়তে তাদের ত গায় বাধবে না। এই কথা কয়টি বলে আমি আমার বন্ধু শশাঙ্কশেখর স্যান্যাল মহাশয়ের প্রস্তাবটি সমর্থন করছি।

Mr. A. F. STARK: Mr. Deputy Speaker, Sir, I would like to record very briefly the attitude of the European Party in this question. First of all, Sir, we welcome the spirit in which this question has been approached both by Government and by my honourable friend, Dr. Sanyal. We consider it important that all sections of this House should endeavour to settle their own procedure and we welcome the fact that the Government are prepared to have an open mind as regards the form the guillotine shall take. We think that the House should endeavour to settle that form themselves amicably and try to devise a form which will suit our condition and our needs.

Then, Sir, we are called upon to decide upon the principle of guillotine. We look at it from the practical point of view. We consider, Sir, that it is necessary to have some device to speed up the pace of legislation. We are in this House dealing with arrears of legislation; we are dealing with legislation which should have been passed years ago. The volume of legislation is increasing year by year. It is going to increase still more in the years to come. The number of problems confronting this province, as honourable members know, have grown and today have reached a volume which is going to need all the efforts of this Legislature to deal with them. That is my first point. We need, Sir, a device for getting our business done more quickly.

My second point is that the object of the guillotine is not to suppress or stifle discussion. The object is to limit the length of debates. Freedom of discussion does not consist in the length of speeches, or in the number of amendments to be moved. In our opinion, Sir, we can have more effective debates if these debates are limited, if we are forced to concentrate on important points, if we are forced to select our amendments. We have an example already in the Budget procedure and I do not think honourable members of the Opposition will suggest that the Budget procedure has operated to suppress discussion. I think this has made discussion more useful in practice. We have been forced to select our cut motions upon which we wish to concentrate and the result has been that we have concentrated on the more important problems and we could get through our business more quickly.

My third point is that the guillotine in its practical operation in other countries is a weapon in reserve. In practice Government will endeavour to agree upon a time table with Opposition Whips. If agreement is reached that time-table will be worked. If that time-table breaks down then and then only I visualise that the guillotine will be introduced. But the important point is that the existence of the guillotine in reserve will facilitate agreed time-tables and that is what has happened in practice in other countries, in Great Britain and in Australia (Mr. PRAMATHA NATH BANERJEE: Great Britain! Do not talk about it.)

The guillotine, Sir, as the honourable members are well aware, is still used in Great Britain. It was used very recently, as my honourable friend Dr. Sanyal admitted. In practice, however, the whips of different parties do arrange to agree upon time-tables which obviate the use of the guillotine.

I would sum up our attitude that we regard the guillotine as a practical necessity, if the Legislature is to cope with the volume of work coming before it with reasonable expedition.

Rai HARENDRA NATH CHAUDHURI: Mr. Deputy Speaker, Sir, the motion that is before the House is a motion to incorporate closure by compartments which is nicknamed as guillotine into the body of our rules. It is the worst type of closure that has been conceived as yet. Not only that, but the method and the manner in which the closure is going to be provided for leave ample room for criticism. Sir, the motion proposes that by rule power should be conferred on the Governor to restrict the discussion on Bills and even on clauses of Bills, and to bring the discussion on Bills

and clauses to a close by specified dates and even hours irrespective of the consideration whether in the opinion of a third party or an umpire such as the Speaker, there has been a reasonable debate or not, whether even in the opinion of the House there has been a reasonable debate or not. This is the most obnoxious form of guillotine that is going to be provided by way of rule, and I am not surprised if the Leader of the House has on second thought yielded so much as to suggest that the Opposition may not stand on the form of the proposed closure. Sir, there is a good deal of difference between closure and closure of Bills by compartments which is nicknamed as guillotine. Closure seeks to provide for a reasonable debate and whether there has been reasonable debate or not, that is for the Chairman or the Speaker to say. None of the contending parties there takes upon itself the responsibility of declaring that there has been a reasonable debate. It is only a third party, a referee, an umpire, such as the Speaker, who is always appealed to. It lies in his discretion to put the question of closure, and, Sir, so far as the British Parliamentary procedure is concerned, the Speaker has got two things to consider, viz., whether there is an abuse of the rights of the House or not, and whether there is an infringement of the rights of the minority or not. These are the two considerations that actually weigh with the Speaker in accepting a closure motion and putting it to vote. Even such a closure motion was never thought of in the British Parliamentary history before the early eighties of the last century. The history of British Parliamentary debates will show that it was only after the entry of the Irish Nationalists in the House of Commons and the obstructive procedure that they adopted, that the closure motion was thought of. The first urgency motion that was moved by Mr. Gladstone on the 3rd of February, 1881, after the expulsion of many of the Irish nationalists from the House was not hailed with delight even in the House of Commons, whatever the Britishers over here may choose to think. Not only that, although the Britishers have always been anxious to point that the rights and privileges of debate in the House of Commons have been limited by the obstructive tactics of the Irish party, it is a fact that the guillotine or urgency motion whenever proposed, even in matters in which the Irish members were not particularly interested, had been contested by every party in the Opposition, whether it was a Liberal Party or a Conservative Party. Whenever an urgency motion was put forward, it never went in without a serious and prolonged contest. What was the matter, Sir, in 1887—I mean in connection with the passage of the Coercion Act? There the Conservative Party put forward a resolution for the limitation of debate in the discussion of the Irish Criminal Law (Amendment) Bill. It was contested, and very seriously contested, by the Opposition then led by Mr. Gladstone. The position of parties was not reversed on the second occasion when the Parnell Commission was set up in 1888 under a similar emergency procedure; but the Opposition party was altogether changed in 1893 when the Home Rule Bill came to be discussed. Then the Liberal Government was in power, and after 28 days in the Committee, if I remember aright, they put forward the urgency motion. The Conservative Party then in the opposition, led by Mr. Balfour seriously contested the urgency resolution and it was not allowed to pass except after a strenuous and prolonged protest. The next tumultuous occasion arose in 1902 when the Education Act was under discussion. The Conservative Party led by Mr. Balfour was then in power and the Liberal Party led by Sir Henry Campbell Bannerman was in the Opposition. When the Conservative Party put forward the urgency resolution, it was opposed, and seriously opposed by all the front-line leaders in the Opposition and the debate was wound up by Mr. Asquith.

Sir, the context in which this motion is going to be moved we cannot afford to forget. We know that this weapon of guillotine once in the hands of this Government, will be used very promptly in the discussion on the

Secondary Education Bill, and, Sir, it is not a strange parallelism that we are going to oppose a much worse guillotine than was conceived while the British Education Act of 1902 was in the anvil of the House of Commons. Even the less drastic urgency motion that was used by the Conservative Government in support of sectarian control of Education had to be opposed by the British Liberal Opposition of the day.

In this connection, permit me, Sir, to quote certain portions of the speech of Mr. Asquith opposing the urgency motion of the day, which very succinctly puts all the grounds in favour of an urgency motion and all the grounds against the abuse of such a motion. Mr. Asquith explained the underlying principle in this way: "Let me for one moment refer to the precedents upon which both the Prime Minister and the Colonial Secretary relied. They are four in number. In 1887 there was the Crimes Act. There are many of us who opposed that Bill at the time with all the resistance in our power, and we opposed the Closure upon it. That Closure was proposed and was granted by Parliament upon one simple ground—*salus populi suprema lex*. The condition of Ireland was supposed to be such at the time that unless Parliament promptly placed in the hand of the Executive the exceptional powers proposed by the Bill, the maintenance of law and order and social peace could not be secured. No such case is attempted to be made for the present Bill. Then there is the precedent of 1888. In that year the closure was applied in the most drastic and summary fashion on the Bill for establishing what is called the Parnell Commission. Many of us on this side thought that a very high-handed and impolitic measure; but there, again, a specific and temporary emergency was being dealt with. The object of the Bill was to call into existence a temporary tribunal, with limited powers, for the particular purpose of inquiring into the truth or falsehood of certain accusations brought against Members of this House in a publication that was then notorious. But whether the closure of that Bill was wise or unwise, it forms no precedent whatever for the closure of the Education Bill."

"Then we come to the cases which have been much more elaborated—those of the Home Rule Bill of 1893, and the Evicted Tenants Bill of 1894. Both were proceedings to which I, in common with many of my right honourable friends, was a party. The right honourable Gentleman just now relied very much upon the precedent of the Home Rule Bill. But is it a precedent at all? In the first place, the Parliament of 1892, whatever the right honourable Gentleman may say about the Newcastle programme, was elected specifically and expressly to deal with the question of Home Rule:

"The remaining precedent is the closuring of the Evicted Tenants Bill of 1894. What have we to say to that? That was a purely temporary measure to deal with a particular emergency. My right honourable friend who was then Chief Secretary for Ireland will bear me out, I think, when I say that it dealt with a sum of £100,000 or £200,000 of public money. In the opinion of the Irish Executive of the time it was a measure, the passing of which was absolutely essential to the maintenance of order in Ireland. It is ridiculous to say that that is any precedent for the present proposal."

Then, Sir, he sums up by stating which principles ought to guide urgency motions: "I venture to say that until this debate, whether you look back to the precedents of the past or to the reason of the thing, both the theory and the practice of the House of Commons have been that this procedure, which we all regret, which none of us like, which we admit to be inconsistent with the elementary rights and privileges of a debating assembly—this procedure has never been and ought not to be resorted to except in one or two cases, in a case of extreme emergency in the interests of public order, or in the case where a Bill, having been carefully considered, both by the country and by Parliamentary discussion, is ripe for a final decision. What are you doing here? You are violating those traditions; you are

flying in the face of experience; you are establishing a precedent which, I venture to say, once established will be repeated and applied in cases which will be extremely unwelcome to the large majority of those who are going to vote for this Motion. You are going to apply this procedure," and here, Sir, enact permanently as a rule, "which has hitherto been confined within limited and rational bounds, to a Measure which is at once complex and revolutionary, which is neither urgent in its occasion nor temporary in its operation, as to which the country has never been consulted, against the hasty and illconsidered passage of which our Second Chamber affords us no effectual safeguard, and by so doing you are taking a step which is unwarranted by precedent, which is of the most dangerous example, and which ought not lightly to be adapted by the House of Commons."

Dr. ABDUL MOTALEB MALIK: What was the answer?

Rai HARENDRA NATH CHAUDHURI: That was the last speech and after that there was voting. It is quite clear from the speech of Mr. Asquith that urgency motions can justly be applied only in two circumstances, *i.e.*, in dealing with Bills which are of an emergent nature and in dealing with Bills in respect of which a mandate has been obtained from the country and which have been sufficiently discussed. But, Sir, so far as the proposal which has been put forward before us is concerned it is an omnibus proposal designed to affect all kinds of Bills, to fix time-limits for discussion of Bills of all sorts and categories and that in advance, without any reference to the progress of debates. I, therefore, submit that the proposition that has been put forward violates British practice. Not only that, Sir, an urgency motion has not only been distasteful to one or other of the great contending political parties but even a disinterested person like the Speaker of the House of Commons does not approve of such a motion.

In connection with urgency motion closuring the Education Bill of 1902, the Speaker, the Right Hon. William Lowther, subsequently Viscount Ullswater expressed himself thus in his "Commentaries":—"The committee stage of the Education Bill began on the 2nd of June. Little did the Government or the House foresee the length to which it would be protracted. I think I was in the Chair at every sitting. The end did not come until the 20th of November, after forty-five sittings, and even then," and not in anticipation as provided in our proposed rule, "it had become necessary to introduce, for the purpose, a 'guillotine' resolution, as it was nicknamed, under which a time limit was fixed for each clause or group of clauses. It is an unsatisfactory procedure, for the shadow of the guillotine makes all debate unreal. The Opposition feels that, however good a case they may make, at a given moment the axe will fall, the discussion end, and the Government supporters summoned to attend for that particular hour, will troop into the lobby against them. The Government, on the other hand, with the same knowledge of what will happen, are indifferent to the arguments used in the discussion and disinclined to make any concessions to meet them." This is the opinion, Sir, of a third party— not one of the political gladiators. Sir, after this if any Britisher here stands up and says that the motion that has been put forward is consistent with British practice, hallowed and not hated by British tradition, either he must have forgotten his British traditions or he is ignorant of them.

It may be asked, Sir, why after all we are so much opposed to the guillotine measure. It not only makes the debate unreal but will do something more—will spell the end of what little democratic procedure has been conceded by the Constitution Act. Should the guillotine, even it obtains in England, be transferred over here to India? I submit, Sir, in our present conditions it is either unwalled for or should not be resorted to. Let me explain why? You will see, Sir, generally the guillotine has been applied in England to urgent measures, and so far as our constitution is concerned

it provides for urgent measures in a different way. That is by way of Ordinances. When the Legislature is in recess Ordinances may be passed even on the advice of Ministers by the Governor and the difficulty of emergency can thus very well be met. Therefore I think no guillotine measure is necessary here to secure the passage of emergency measures. Then, what about the other measures, the mandated Bills, that is, the Bills in respect of which the country has given a mandate? In respect of such a Bill guillotine measure was duly applied in England, so far as the Home Rule Bill of 1893 was concerned. In the previous election Mr. Gladstone unfolded the programme and after giving out the programme of Home Rule he came with his majority to the House of Commons to enact the Bill. The liberals had the clear verdict of the country at the poll. So far as our country is concerned, is there really a democracy of the nature that functions in England? I regret to say there is none of it; it is only a pseudo-democracy, rather in the latest parliamentary language, it is a "swindle democracy". In this country, so long as we have separate electorates, so long as we have limited electorates, so long as we cannot appeal to all the electors and to the country as a whole, can we really put forward a measure for which we can claim that we have got a mandate? Take for instance, the present Secondary Education Bill. If the present Secondary Education Bill is put before the separate electorates, in Dacca, Sir Nazimuddin will approach his constituency in one way and Mr. Kiran Sankar Roy will approach his constituency in another way. Sir Nazimuddin will try to get the support of his constituency to the Bill and Mr. Kiran Sankar Roy will canvass for opposition to it, and both may be returned. Can anybody then say that either of them has got the verdict of the country as a whole? Surely not. Therefore the whole question of mandated Bills goes. So the justification for a valid urgency motion or resolution cannot arise here in any way. There in England full democracy functions and therefore they can appeal to the electorates and secure their mandates. There in England there is no one man legislature to provide for emergency measures. So in securing the passage of an emergency Bill or a mandated Bill in England they are quite justified in bringing forward urgency motions and have such Bills passed with the help of urgency motions, but that procedure is neither necessary nor applicable to the circumstances prevailing in this country. Therefore such guillotine measures should not be thought of, far less incorporated in our Rules and Standing Orders. It may be desirable in the opinion of the majority of the House, but it will easily prove to be oppressive; and you are well aware, Sir, that oppression is the mother of obstruction. If there is any supposed obstruction now in the Opposition here, that obstruction will develop into real obstruction to meet such arbitrary proposals on the part of the Government. Sir, it is because of such considerations that we have to strongly oppose the proposal for guillotine and we submit that guillotine motion in any shape or form should not be passed to closure Bills. When last night Dr. Sanyal was making a reference to the constitutions and practices of the other countries and of the British Dominions, and travelled from London to Canaberra, then a member of the Government party enquired what about South Africa. The Government party at least ought to have known, before coming to this House, the procedure that obtains in South Africa. There is a guillotine rule there, but so far as I know it has seldom or never been used.

Dr. SYAMAPRASAD MOOKERJEE: Mr Deputy Speaker, Sir, I feel surprised that no one supporting the Ministry has risen to support the rules as proposed by Sir Nazimuddin. Indeed, Sir, the halting spokesman of the European Group could not even muster courage to give his whole-hearted support to the rules as proposed. It is not my business to enquire, nor is it the business of any one in this House to enquire as to what shape the rules will take if the Government keeps an open mind at the Select

Committee where it has an open majority. We are not here to anticipate the changes that will be made in the rules by the Select Committee: we are here to consider the rules as proposed, and I would ask every section of this House not to treat it as a party question but I would ask every member to put it to himself whether the rules as proposed are such that can be accepted by the House either *in toto* or even the principles underlying the rules. What are the rules? The rules are that this power of compartmental guillotine, compartmental closure be delegated to the Governor or to the Executive Government. Let me ask: Is there a parallel to this proposal in any legislature in any part of the civilised world? Up till now we have not received any categorical denial to this question. In fact we make bold to say that there is no Assembly which has delegated this power of guillotine to the Executive Government. But that is the rule the principle of which the House is being asked by the so-called popular Ministry to approve today.

Now, Sir, the question arises, as Mr. Stark puts it: Is there any need for some sort of restriction to debate? Let us refer to the rules as they stand now. Are the rules inadequate for the purpose? What are the rules? The rules say that the House can even now terminate a debate if one important condition is fulfilled, namely, the Speaker who does not belong to any party, who is the custodian of the rights and liberties of the House—if he feels satisfied that such demand for closure is not calculated to infringe the rights of the Opposition and is not intended to be an abuse of the rules, then the Speaker will leave the matter to be decided by the House. Mark the words—"the rights of the Opposition". The Opposition does count in the matter of closing of the debate. It is not that the majority of the House feels that reasonable debate has taken place and immediately the Speaker accepts and allows the matter to be put before the House. The Speaker has to decide the question whteher there has been a reasonable debate and whether the right of the minority has been properly protected or not. Let me ask: Has there been any one single occasion when the Speaker has failed to discharge this duty? Let us face facts as they are. You are thinking of the Secondary Education Bill. What part did the Speaker play in connection with the Secondary Education Bill? Let me recall very briefly that a general discussion of the Secondary Education Bill went on not through the intervention of the Speaker but as a result of an agreement between the Government and Opposition: the Speaker did not come into the picture at all for the long period that took in the general discussion of the Secondary Education Bill. Then on that fateful day which was determined to be the date on which the general discussion would terminate, there was that upset regarding Mr. Tulsi Chandra Goswami. But what did the Speaker do at that stage? Somebody on behalf of the Government got up and moved the closure motion. The Speaker accepted the closure motion. The Speaker felt that there was a sufficient debate, and if the Opposition wanted to take an obstructionist attitude the Speaker did not come to the help of the Opposition. We did not like it: we raised a point of order and the Speaker allowed discussion on the point of order—(Maulvi MOHAMMED ISRAIL: For how many days?) Sir, I hope you will not allow him to interrupt me. Let him follow me: that will do him some good. The Speaker did not do anything with regard to the closure motion. The Speaker said that he should allow the debate on the question whether the Speaker's ruling was correct or not and ultimately let it be recorded that the Speaker did put the motion to the vote. The Speaker did not accept the point of order which the Opposition had raised. We had something to say against the Speaker on that occasion. The Speaker does not require any defence from me or from any member of this House but let us put the facts on record. What has happened in the Bengal Legislative Assembly which requires such a drastic rule to be proposed which is unparalleled in the history of any legislative chamber throughout the civilised world. What has happened? (A member from the Coalition

Benches: Nothing). That is good. Sir, I am glad that my speaking for a few minutes has enabled the gentleman, whoever he may be, to speak out the truth at least once in his life. What was the procedure adopted in the Secondary Education Bill? Let us put the facts from both points of view. The Government Party wanted that the Secondary Education Bill must be pushed through. The Ministerial Party wanted that there should be no delay whatsover. They wanted that the Secondary Education Bill should be taken into consideration at once. That was the point of view of the Ministerial Party. Let me concede for the time being that the Ministerial Party honestly felt that that was their right demand. What did the Opposition say? The Opposition demanded that the Bill of that magnitude on which there was such strong differences of opinion should be referred to a Select Committee.

Now, any Government worth its name that wanted to run a Parliamentary constitution on democratic lines would have accepted the suggestion of the Opposition and some settlement could have been arrived at. Our friends here to the left, the European Party, supposed to remain in a neutral zone, played an ignoble part on that occasion. It could have turned the table on either side but it did not want to play the part which these 25 honourable gentlemen are expected to play and for which purpose they were given the seats which they do not deserve in this House. The result was that there was feeling on both sides. The whole thing was mishandled. It was bungled by the Ministry in power. There was some sort of discussion going on in the private chamber of the Chief Minister. But what was the nature of the discussion? There was a pistol at the head of the Opposition that the Bill shall be proceeded with whether there is any agreement or not. Let me ask the members of the Ministerial Party on this question. After all they also—many of them—remained in the Opposition for nearly 15 months. Let me ask them, is it the attitude which can honestly and reasonably be maintained by any political party in power which is running a democratic constitution?

I say, Sir, that the atmosphere which was created by the wrong handling of the situation by the Ministry in power with regard to the Secondary Education Bill was its own creation; there was no contribution made by the Opposition whatsoever. Now what is the remedy that is being suggested? The discussions were going on for some time but before the *Puja* Holidays the discussions could not continue. We have not met since then. There has been no attempt on the part of Government to approach the Opposition and try to come to an understanding over that very important Bill which affects the educational interests of millions of Bengal's population. And now, Sir, the Ministry thinks, because it has a majority in the House, it can get the entire body of rules amended with regard to the closure motion, take the powers in the hands of the Ministry and then do what it likes with regard to the Secondary Education Bill.

Now, let me ask, Sir, is that the way in which the constitution can ever be worked? I put it to the Hon'ble Sir Nazimuddin. Let him point out whether there has been one single instance in the history of this Bengal Legislative Assembly where the closure motion could not have been applied correctly on account of the obstructiveness of the Speaker. I say, Sir, that the power is there, the power is in the hands of the House and any majority of the House, can, provided it acts honestly, provided it acts in a *bona fide* manner, put the closure motion according to the rules as they stand today. If the Speaker is a person who does not enjoy the confidence of the majority of the House, the remedy lies elsewhere. If you can face the House with a no-confidence motion against the Speaker by drawing up a charge-sheet against him, do so and let us face the question boldly and do not stab the constitution—what little we have got under the constitution—in the manner in which you propose to do. It is a mockery from beginning to end but whatever little power has been given to this House you now propose as some

pet lambs to hand over to the tiger sitting over there. The Governor will act on the advice of the Ministry. Whether the Governor will act on the advice of the Ministry or will not is a question which I do not propose to discuss today. But the whole thing, apart from its legal implication, is constitutionally absurd, is rotten, is unheard of in any civilised country throughout the world. You want the Government to fix a date. Before seeing the Bill, before knowing what the amendments are, before even discovering what the attitude of the House will be, the Government will sit down and fix the time-limit. It comes as an *ipse dixit* from the Government that only for so many days the House can discuss a particular Bill, not a Government Bill alone but all Bills, Bills proposed by non-official members. That can be restricted at any stage and why should such a proposal have been made. If you feel that the proposal is bad, if Sir Nazimuddin now feels that he has brought forward a proposal which he has not the courage and temerity to justify before the House, let him withdraw the proposal, let him bring other rules which we shall be in a position to examine on their merits and then decide whether any changes should be made or not.

I think, Sir, the procedure proposed to be adopted is a most objectionable one. Rules that are brought are acknowledged to be bad. It is said that the main aspect of the rule will be changed and we do not know what that change will be. We are told, let us go to the Select Committee, we shall change there.

Now let me refer, Sir, to some of the Parliamentary examples in the House of Commons. I do not wish to quote from the speech of Mr. Asquith which my friend Rai Harendra Nath Chaudhuri has just now done. What happened in the House of Commons? There was no closure motion at all in the first stage. The Speaker during the Irish debate invoked the inherent right to put the motion before the House. That was the first stage. Then later on the power was taken by the House to pass a closure motion provided a certain number of members voted for such motion. It was not left to a bare majority of the House; and then the Speaker's assent was necessary—mark it—even then the Speaker had to come into the picture and later on a rule was passed that the House by standing orders could limit the discussion on particular Bills. That power was taken by the House of Commons, not the Executive Government; no one could dream of suggesting that the Executive Government be given the power to regulate the time-limit of the discussion of the Bill. Although such a power has been taken by the House, see how that power has actually operated in practice. It has rarely been given effect to. It has rarely been utilised to put an end to any reasonable debate. Thus writes Graham in the Mother of Parliaments: "In spite however of many efforts which have been made to accelerate business the parliamentary machine moves but slowly and the time spent in discussing any measure to which there is active, sincere and persistent opposition shows no signs of diminishing in length." Thus the Home Rule Bill, 1893, required 180 divisions and the Education Bill, 1902, required 295 divisions; over the Finance Bill, 1909, Parliament spent something like 740 hours and divided not less than 420 times. Calculate that 740 hours in terms of sittings of the Bengal Legislative Assembly, which come to only 15 months. In other words if the House wants to exercise this extraordinary power with regard to a measure like the Secondary Education Bill on which there had been more than 3,000 amendments, it will take on this precedent alone, when the House had the power, not less than 15 months unless it comes to some agreement between Government and the Opposition.

Now, Sir, it may be asked: well, the Speaker is given the power. In the House of Commons the Speaker never objects to the closure motion being put—far from it. The Speaker in the House of Commons is not afraid of the majority of the Government party that may be in power. He is there to discharge his duties fearlessly, without any fear or expectation of favour, and he does so—mark you—with the co-operation of all sides. There is no

question of the Government party feeling irritated because the Speaker may not accept a closure motion, and what does Jennings say in his authoritative book? He says: "It is not unusual for the Speaker to refuse to accept a closure motion whether it is moved by a Government Whip or by any other member. On being asked if ever there was a case of Government being beaten on a closure motion which the Government has asked for, Mr. Lloyd George replied 'no', but there have been numerous cases where the Speaker has refused and intimated to the Government party that he would not put the closure motion if it were moved." Mr. Ramsay MacDonald observed that "closure is never moved now in the House of Commons unless it is thought that the Speaker or the Chairman was going to accept it." That is the sort of precedent that is being enacted and followed by the House of Commons, and I am surprised to find, Sir, that these friends of ours, the British representatives in this country, are helping in the passing of a monstrous rule like this for which there is no parallel in any part of the civilised world. (Rai HARENDRA NATH CHAUDHURI: They have lost their British origin.) (Laughter.)

Sir, the whole principle has been discussed in several celebrated books on constitutional practice. After all, the majority must rule. After all, the Opposition must also function, and the credit must lie to the House and to the parties which are represented by members sitting in the House to come to such an understanding amongst themselves that both may function to the best interests of the province as a whole. Now, mark, Sir, how the whole matter has been put in a nut-shell in this way: "On the one hand the legislative proposals placed before Parliament by the Government must be promptly despatched. On the other, the minority must, under certain circumstances, be given a chance of postponing the decision of Parliament as to some particular subject or even at times of preventing its ever being reached. These conflicting requirements may both under different conditions become absolute necessities of State to the securing of which the order of the business and its treatment by the Speaker must contribute. It is left to that individual who can hold the scales even and not allow the minority to be crushed by the majority. Protection of the majority against obstruction and protection of minority against oppression are both alike the functions of the Chair, and I say that even with regard to the Secondary Education Bill the majority was protected although the minority felt that it was oppressed by the ruling of the Chair.

Sir, "two fundamental principles" Jennings put it "must govern the procedure of any House of Commons. They are that Government shall, so long as it maintains a majority, be able to secure such legal powers as it considers necessary for administration and that the minorities, however small, shall be able to criticise that administration. The true function of a House is to question and debate the policy of Government. In so doing, it can bring home to the Government the unpopularity of a particular line of policy or measure." Mark, Sir, what follows: "How the majority party in the House of Commons on numerous occasions has been compelled to withdraw particular measures, because of the persistent and sincere opposition put forward by the minority party and because of the feeling in the country outside the legislature. No one who within a few years has seen one of the strongest Governments of recent history bow to criticisms in the House and withdraw measures like the Unemployed Assistants Regulation, 1934, denounce the Hoare-Laval Agreement, 1934, withdraw the Coal Mines Bill, 1936, withdraw the proposals for National Defence Contribution, 1937, can doubt the influence of Parliamentary debate upon Government proposals." What is being proposed to be done is to cut at the root of any democratic constitution that can function anywhere in the world. Sir, "time" observed Lord Randolph Churchill on behalf of Government in power "is the life blood of a Government". To that replied Sir Austen Chamberlain that "it is the legitimate function of the Opposition to bleed the Government to death". That is the legitimate function of

the Opposition according to a man a little higher at least than those who are sitting to my left. (Laughter.) It is the legitimate right of the Opposition to bleed the Government to death.

Sir, I shall make this appeal to the members of the Government party. We are fighting on measures on which Government party may feel that they must be adopted and the Opposition may feel that they must be rejected. But let us not ruin the very little power that the Constitution has given us. You are in power today; you may be in the Opposition tomorrow. (Cries of "no, no" from ministerialist benches.) It is a special power which you are devising, and it has happened in history many a time that special powers which are devised by a party in power for the purpose of crushing the minority come back with a boomerang against particular party within a very short time.

Let us not play with fire. Let us try to establish precedents and conventions which we can proudly and legitimately hand over to posterity. After all, our object is to facilitate the business of the House and there the rules which have been formulated are more than adequate to meet the situation. I, therefore, oppose the entire proposal that there should be any consideration or any reference to a Select Committee so far as these proposed amendments are concerned.

Mr. PRAMATHA NATH BANERJEE: How long will the Assembly sit tonight?

Mr. DEPUTY SPEAKER: Just a few minutes more.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Deputy Speaker, when I decided to bring this proposition before the House, I gave it a very serious consideration and it was with a full sense of responsibility that I placed my proposition before this House. I would like to state that members on this side of the House who are supporting this proposition do not yield to any one on the other side in their love for freedom of debate and for maintaining the rights and privileges of this House. Sir, we have listened for two days to speeches, to quotations from books, to sermons on what is the ideal way of conducting the proceedings of this House. In short, I would only say this that despite everything that has been said from the other side you will find that the country whose methods of conducting business have been quoted has adopted the principle of guillotine procedure and Dr. Syamaprasad Mookerjee who has castigated the European members on his left should remember that in their own country and in their legislature in spite of what Dr. Mookerjee has cited and in spite of everything that he has said, the members of the House of Commons have felt the need and necessity of providing for the guillotine procedure in spite of the fact that they have got the closure procedure as well.

Mr. PRAMATHA NATH BANERJEE: This is French guillotine.

Dr. SYAMAPRASAD MOOKERJEE: Power has not been given to the Governor.

The Hon'ble Khwaja Sir NAZIMUDDIN: I maintain that that is a purely minor issue. At the time when I moved the motion, I made it clear that that was not a fundamental question. These debates should have been concentrated on the question whether the guillotine procedure itself was wrong or right. As regards the method in which we are going to introduce that procedure, it is certainly a question which is open to debate but certainly not open to all that has been said from the other side. If you analyse the speeches of honourable members from the other side, you will find that they have not spoken on the question whether the manner in which the guillotine procedure is going to be operated is objectionable or not, but they have objected to the whole thing. From Dr. Mookerjee's speech and from the way in which he has concluded by opposing the whole thing, I maintain that he has really——

Mr. M. SHAMSUDDIN AHMAD: Bungled.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, he has tried to mislead the House with his quotations by trying to show that in those countries there is no guillotine procedure and what is more those people who have written about the privileges of the Opposition to bleed the Government to death meant that there should be no guillotine procedure. We find however in actual practice in England, not from today but from 1887, they have adopted the guillotine procedure and in spite of the quotations that Dr. Mookerjee has read out to you, it will be found that on 39 occasions between 1887 and 1932, guillotine has been used in the House of Commons. Let us look at it purely on the merits of the question. Dr. Syamaprasad Mookerjee waxed eloquent for 25 minutes on the provisions in our rules for closure and tried to make out that "as long as the closure is there, why worry: you can get anything done, you can always put an end to the length of the debate". I would like to mention here that on the principle that there should be some limitation of debate we have provided that there should be a closure. The liberty of freedom in regard to speech *ad infinitum* has never been permitted. (Interruption.) We are going a step further and why! Dr. Mookerjee has repeatedly asked why we want the guillotine procedure and I will tell him why. I will not take up the time of the House by replying to his remarks about the Secondary Education Bill where too in regard to certain facts which he has mentioned he is not right. For example, the debate went on for a very long time. There was no agreement till the last few days. It was only in the last few days that there was an agreement. Before that, the discussion was being prolonged in spite of the fact that the Government wanted to have a vote much earlier.

Dr. SYAMAPRASAD MOOKERJEE: Why did you not move a closure motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because we were given to understand that the debate would be concluded on that day.

Dr. SYAMAPRASAD MOOKERJEE: Absolutely false.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not want to go into that; nor would I like to say anything about Government not referring it to the Select Committee. For the last 12 years or even longer than that, the Secondary Education Bill has not been allowed to go through the House. For more than 15 years Government have tried their best to get the Secondary Education Bill through the House but they have been thwarted.

Rai HARENDRA NATH CHAUDHURI: Question, question.

The Hon'ble Khwaja Sir NAZIMUDDIN: Because the Government felt that this demand for referring the Bill to the Select Committee was not genuine but merely a dilatory procedure, they did not yield. I will not go further into that. I forget the Secondary Education Bill for the time being. I am not talking of anything that has taken place in the past. I will tell you about the future. It is possible for any 20 members or even 15 members to submit 2,000 amendments on a Bill if they like to keep it pending before the House for more than a year. Let the Opposition say how, with the best of willingness on the part of the Speaker, with the best of willingness on the part of the rest of the members (that is to say 230 members as against 20 members) you can prevent 20 members from holding up a Bill for one year? If they choose to put in 2,000 amendments, I am sure that it is not very difficult. (Interruption.) When we were in the Opposition, we were only 40 members then. Government brought in a Bill containing only one clause and we were prepared to give notice of 500 amendments on that one clause Bill and to keep the House going 10 to 15 weeks when the Government wanted to have it passed in two days.

Dr. SYAMAPRASAD MOOKERJEE: Then introduce these rules when you are in the Opposition.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we had been in the Opposition and we know what it is to be in the Opposition and knowing this fact we have brought this thing in deliberately because we feel that if you are going through important legislations unless there is something like this thing on your rule book you may not be able to carry on the business of the House properly. But generally it is not necessary to take the help of such rules. In spite of the pretentions of Dr. Mookerjee about his point of order, he has been irrelevant because he says that if you have a rule for guillotine it must be used. The mere fact that it is there will act as a preventive measure against deliberate obstruction. (Loud noise from the Opposition benches.) Sir, I fully agree with Dr. Mookerjee when he says that in politics there is no such thing as a permanency. Today we are here but tomorrow we may be there in the Opposition. Knowing all this if we as a Government want to do anything good to the province as Mr. Stark has very pertinently observed, the number of legislative measures in the Bengal Legislative Assembly is going to be doubled or trebled in the years to come, if we can pass this measure which will prevent the vested interests from obstructing the Government to do something in the interests of the masses. We know, Sir, that the present Opposition up to now have always opposed and always obstructed every measure that has been brought for the amelioration of the condition of the masses (Loud noise from the Opposition benches.) Sir, I hope the motion which I have moved will be supported by every section of the House and that the amendments will not be pressed, but if pressed we will have to oppose them.

Sir, I beg also to move that after the word "five" in the last line of the motion for referring the amendments to the Bengal Legislative Assembly Procedure Rules to a Select Committee the following be added, namely:—

"and that the Select Committee shall choose a member of the Committee to be their Chairman".

Dr. SYAMAPRASAD MOOKERJEE: Sir, I rise on a point of order on the amendment just now moved. My point of order is that this amendment is out of order. If you refer to rule 115, you will find that the procedure contained in these rules for the consideration of Bills, shall, so far as may be, apply to a motion for leave to amend these rules and by virtue of this rule the procedure which has been adopted by Sir Nazimuddin for the proposed changes has been followed. My point of order is that the Select Committee cannot choose its Chairman. If you refer to rule 54, you will find that in the formation of a Select Committee rule 54(3) says that the Minister in charge of the department to which a Bill relates shall, if he is a member of the Assembly, ordinarily be Chairman of the Committee, provided that in the case of a Committee of the whole Assembly, the Chairman shall be the Speaker or a member appointed by him. So far as this Select Committee is concerned, which is concerned with proposals in the nature of a Bill, there is no Minister in charge of this department. There is no Minister in charge of the Legislative Assembly yet, and Sir Nazimuddin has not moved his proposal as Minister in charge of a department; he has moved as Khwaja Sir Nazimuddin, as a member of this House. I do not think it will be contended that there is any Minister in charge of the department. If that had been so, this amendment would have been unnecessary because Sir Nazimuddin would have been the Chairman ex-officio. If you look at the other rules you will find that there is no provision whatsoever as to how a Chairman of a Committee of the kind that the Assembly is going to appoint for the first time today since the passing of these rules will be selected. On the other hand if you refer to rule 112, you will find that there is a provision for the constitution of a Committee of public accounts and there sub-clause (4) says that the Chairman of that Committee shall be elected by the Committee from among their members. That was the specific provision made under the rules for the selection of the Chairman of the Public Accounts Committee. Rule 126 refers to another Committee, the Committee of Privileges. There if you refer to rule 126(1),

you will find that the Chairman of the Committee is the Deputy Speaker. That also the House decided by rules that the Chairman of the Committee of Privileges will be the Deputy Speaker. If you refer to rule 82, there is a third Committee, the Committee of Petitions, and there also the Chairman shall be the Deputy Speaker. So here in the rules that the Assembly have passed there are four kinds of Chairman contemplated of Committees. One is the Chairman of the Select Committee of which the Minister in charge will be the Chairman; the second is the Public Accounts Committee of which the Chairman will be elected by the Committee itself; the third is the Committee of Privileges of which the Deputy Speaker is the Chairman and the fourth is the Committee of Petitions where also the Deputy Speaker is the Chairman. I, therefore, urge that under rule 116 this is a matter which is not provided for under the rules and it is only the Speaker who can decide what should be done in such a case. The House cannot amend the rules by a resolution. That, I believe, Sir Nazimuddin will admit. What he proposes to do now is to amend the rules by means of a resolution saying that the Chairman will be elected by the Committee itself. In my submission this is a case which should be governed by rule 116. The Speaker may by orders not inconsistent with these rules provide for matters for which no provision has been made and may give such directions as may be necessary for giving effect to these rules and such orders. Therefore, Sir, in my submission his amendment is clearly out of order.

Mr. DEPUTY SPEAKER: Dr. Mookerjee, let me in the meantime put the other motions to vote and I will hear the Hon'ble Khwaja Sir Nazimuddin and make my decision.

The motion of Mr. Sasanka Sekhar Sanyal that the proposed draft amendments be referred to a Committee of the whole Assembly with instructions to submit their report by the 31st of December, 1945, and that the quorum of the said Committee be fixed at fifty, was then put and a division taken with the following result:—

AYES—31.

Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Bhawmik, Dr. Gobinda Chandra.
Chaudhuri, Rai Harendra Nath.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Singha, Maharaja Bhupendra Chandra, of Susang.
Thakur, Mr. Pramatha Ranjan.

NOES—61.

Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid Shah, Maulvi.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abul Fazl, Mr. Md.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Prémhari.
Birkmyre, Sir Henry, Bart.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Clark, Mrs. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Emdadul Haque, Kazi.

Farhut Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Ferguson, Mr. F. F. M.
Gladding, Mr. D., C.I.E.
Golam Rabbani Ahammad, Maulvi.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F., O.B.E.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Leisk, Mr. John.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Methold, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Pain, the Hon'ble Mr. Barada Prosanna.
Raikut, Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Stevenson, Mr. R. A. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Thorman, Mr. C. M.
Walker, Mr. J. R.
Yusuf Ali Choudhury, Mr.
Zillur Rahman Shah Choudhury, Maulvi.

The Ayes being 31 and the Noes 81, the motion was lost.

Mr. DEPUTY SPEAKER: The question before the House is the motion of Mr. Fazlur Rahman that the following names be added to the personnel of the Select Committee, namely——

Mr. SASANKA SEKHAR SANYAL: On a point of order. Before the substantive motion of the Select Committee comes the motion for inclusion cannot come in.

Mr. DEPUTY SPEAKER: Then I will have to put the original motion first.

The motion of the Hon'ble Khwaja Sir Nazimuddin that the draft amendments of the Bengal Legislative Assembly Procedure Rules be referred to a Select Committee, was then put and a division taken with the following result:—

AYES—82.

Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid Shah, Maulvi.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abul Fazl, Mr. Md.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Hesain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Barma, the Hon'ble Mr. Premhari.
Birkmyre, Sir Henry, Bart.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Emdadul Haque, Kazi.
Farhut Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Ferguson, Mr. F. F. M.
Gladding, Mr. D., C.I.E.
Golam Rabbani Ahammad, Maulvi.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Haywood, Mr. Rogers.

Hirtzel, Mr. M. A. F., O.B.E.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Leisk, Mr. John.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Methold, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Pain, the Hon'ble Mr. Barada Prosanna.
Raikut, Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Stevenson, Mr. R. A. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Thorman, Mr. C. M.
Walker, Mr. J. R.
Yusuf Ali Choudhury, Mr.
Zilluir Rahman Shah Choudhury, Maulvi.

NOES—29.

Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Bhawmik, Dr. Gobinda Chandra.
Chaudhuri, Rai Harendra Nath.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Thakur, Mr. Pramatha Ranjan.

The Ayes being 82 and the Noes 29 the motion was carried.

The motion of Mr. Fazlur Rahman that the following names be added to the personnel of the Select Committee, namely:—

Dr. Nalinaksha Sanyal,
Rai Harendra Nath Chaudhuri,
Mr. Abul Hosain Ahmed,
Mr. Upendranath Edbar,

was then put and agreed to.

The motion of Mr. Giasuddin Ahmed that in place of Maulvi Abu Hossain Sarkar the name of Mr. Syed Jalaluddin Hashemy be substituted, was then put and agreed to.

The motion of Dr. Nalinaksha Sanyal that for the figures and words "17th December, 1944" in the main motion for referring the amendments to the Select Committee, the figures and words "15th January, 1945" be substituted, was then put and agreed to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not want to take much time of the House. The point here is that there is no provision in the rules, and it is open to the House to pass a resolution suggesting as to who should be the Chairman. If this motion had been left without any such resolution, then I submit that section 116 giving authority to the Speaker would have come in. But in view of the fact that there is actually no rule, and we are not amending the rules, the House is mainly taking action to provide something which is not there, and that I submit, is the legitimate right of the House. It is neither an amendment nor a motion nor anything at all.

Dr. SYAMAPRASAD MOOKERJEE: What is it then?

Mr. PRAMATHA NATH BANERJEE: Violation!

The Hon'ble Khwaja Sir NAZIMUDDIN: It is only a resolution that "the Select Committee shall choose a member of the Committee to be the Chairman".

Mr. DEPUTY SPEAKER: Now that you have accepted the personnel of the Select Committee——

Dr. NALINAKSHA SANYAL: No, Sir, the motion regarding the personnel of the Select Committee has not yet been put to the House.

Mr. DEPUTY SPEAKER: That may be taken up later on.

Mr. FAZLUR RAHMAN: Sir, I submit that the motion regarding the personnel of the Select Committee may be taken up first. This is a sort of independent motion and that can be dealt with later on. You can put the main motion to vote first.

Mr. DEPUTY SPEAKER: My difficulty is that the amendment of the Hon'ble Chief Minister is part of the whole motion.

Mr. FAZLUR RAHMAN: My submission to you is this. It is a sort of an independent amendment. It is always open to the Chair to find out whether it is of the nature of an independent motion. I submit that it is of the nature of an independent motion and you can treat it as such. You can dispose of the main motion now and take this amendment later on.

Mr. PRAMATHA NATH BANERJEE: Mr. Deputy Speaker, Sir, I submit that the Hon'ble Prime Minister is seeking to amend rule 116 read with rule 54. Therefore, it is a violation of these rules and I submit that he cannot by a special resolution by virtue of his majority get a violation justified.

Mr. DEPUTY SPEAKER: I was under the impression that the primary difficulty regarding the question of the personnel of the Select Committee was over, but now subsidiary difficulties have arisen. A point of order has been raised by Dr. Syamaprasad Mookerjee and I do not know whether the short notice amendment given notice of by the Hon'ble Chief Minister should be treated as an absolutely different motion or as a part of the main motion. That is my difficulty. Therefore I will not give my ruling in this connection today. If I am here to-morrow, I will give my ruling just after question-time, but if the Hon'ble Speaker is here, he will give his ruling then. The House stands adjourned till 4 p.m. tomorrow.

Adjournment.

The House was then adjourned at 8-10 p.m. till 4 p.m. on Wednesday, the 13th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 13th December, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 11 Hon'ble Ministers and 184 members.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Dearness allowance for members of Provincial and Subordinate Services.

55. Mr. SUKUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact—

(*i*) that the rate of dearness allowance granted to the married officers of the Provincial Services is greater than that granted to the unmarried officer; and

(*ii*) that in case of the officers of subordinate services the dearness allowance granted to both the married and unmarried officers is the same?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of granting a greater relief to the married officers of the subordinate services just as in case of the Provincial Services?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): (*a*) Yes.

(*b*) No.

India Government grant for relief of famine-stricken people of Bengal.

56. Khan Bahadur Haji BADI AHMED CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) what amount of money has been up till now sanctioned by the India Government for relief of the famine-stricken people of Bengal;

(*b*) what amount of money out of that has been spent in which districts (to be shown separately);

(*c*) what amount is in hand now;

(*d*) whether it is a fact that in comparison with other districts, namely, Dacca and Faridpur, smaller amount has been spent in Chittagong, Noakhali and Tippera; and

(*e*) if so, why?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) The Government of India have made a lump grant to this Government equal to one-half of the expenditure during the financial years 1943-44 and 1944-45 under the following heads subject to a limit of 10 crores:—

(*i*) 54A—Famine Relief.

(*ii*) 63—Extraordinary charges in India—Loss on sale of subsidised food; and

(*iii*) Rehabilitation Expenditure.

(*b*) to (*e*) It is not possible to supply the information until the accounts for 1944-45 have been closed.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the accounts for the year 1943-44 have been closed?

The Hon'ble Mr. TARAK NATH MUKERJEA: Relief work is being carried on with the Government of India's money in continuation of the work done in the previous year.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any separate account was made for the year 1943-44?

The Hon'ble Mr. TARAK NATH MUKERJEA: I cannot tell the honourable member what amount has been spent in the different districts for 1943-44, but as I have already stated, it has been from the same fund of the Government of India that the expenditure has been incurred.

Enforcement of Primary Education Cess and religious teachings for students.

57. Khan Bahadur Haji BADI AHMED CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) in which districts of Bengal, the Primary Education Cess has been enforced and when;

(*b*) whether there is any arrangement to teach the Muslim boys and girls in *Quoran*, *Namaz* and in *Diniyat* in the districts where education cess has been enforced;

(*c*) whether the aid of the private maulvis, pandits and munshis has been stopped who used to teach boys and girls in religious subjects before the enforcement of the free primary education; and

(*d*) whether religious teaching has been stopped in the districts where free primary education has been enforced?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) A statement is laid on the Table.

(*b*) Yes, as far as possible with the limited number of qualified teachers.

(*c*) Approved schools following the curriculum prescribed by Government continue to receive aid.

(*d*) No.

Statement referred to in reply to clause (a) of unstarred question No. 57.

Name of District School Board.		Date of levy of cess.
Mymensingh	...	1-4-1937
Tippera	...	14-4-1938
Dacca	...	14-4-1938
Noakhali	...	15-4-1939
Jalpaiguri	...	15-4-1939
Chittagong	...	15-4-1939
24-Parganas	...	18-10-1939
Faridpur	...	18-10-1939
Bakarganj	...	14-4-1940
Bogra	...	18-10-1940
Pabna	...	18-10-1940
Nadia	...	18-10-1940
Murshidabad	...	18-10-1940
Rangpur	...	14-4-1940
Dinajpur	...	14-4-1944
Howrah	...	17-7-1944

Employees of Calcutta University.

58. Mr. MD. ABDUL HAKIM VIKRAMPURI: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the Table a statement showing—

(*a*) the present number and designations of the employees of all grades of the Calcutta University including that of the Science College, Calcutta; and

(*b*) the number of the employees of each community separately, i.e.,—

(*i*) Caste Hindus,
(*ii*) Muslims,
(*iii*) Christians, and
(*iv*) Scheduled Castes?

The Hon'ble Mr. TAMIZUDDIN KHAN: A statement is laid on the Table.

Statement referred to in reply to unstarred question No. 58.

(*a*) The present number of the employees of all grades of the Calcutta University including the Science College, Calcutta, is 1,118 and their designations are as detailed below—

Registrar	1
Assistant Registrar	1
Controller	1
Assistant Controller	1
Audit Officer	1
Inspector of Colleges	1
Inspectress of Hostels and Messes	1
Engineer (Part time)	1
Overseer	1
Medical Adviser	1
Secretary, Appointment and Information Board	1
Secretary, Post-Graduate Teaching of Arts and Science	1
Medical Officer, Arts Mess	1
Librarian	1
Deputy Librarian	1
Superintendent of Library	1
Superintendent, Registrar's Office	1
Superintendent, Controller's Office	1
Curator, Ashutosh Museum	1
Superintendent, University Press	1
Assistant Superintendent, University Press	1
Principal, University Law College	1
Vice-Principal, University Law College	1
Tutor Librarian	1
Post-Graduate Research Fellows	7
Post-Graduate Research Scholars	2
Behari Lal Mitra Fellow	1
Behari Lal Mitra Research Scholar	1
Behari Lal Mitra Ladies' Hostel Medical Officer	1
Headmaster, Ikra School	1
Teachers, Ikra School	8
Diary Superintendent	1
Professors	41
Readers	4
Lecturers	234
Research Assistants	7
Sir P. C. Roy Fellows	2
Sir J. C. Bose Fellow	1

Medical Examiners	8
Clerks	287
Compositors	84
Machine Men	60
Menials	344
Total ...	1,118

(b)(i) Caste Hindus	1,022
(ii) Muslims	78
(iii) Christians	8
(iv) Scheduled Castes	10
Total ...	1,118

The numbers of (i), (iii) and (iv) may not be exactly correct as it is not possible to distinguish between them from their names as given in the records of the University.

STARRED QUESTIONS

(to which oral answers were given)

State and security prisoners detained and released since formation of present Ministry.

***113. Mr. PRATUL CHANDRA GANGULI:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state the number up to date of—

(i) security prisoners detained in jail for political reasons;
(ii) State prisoners;
(iii) women security prisoners; and
(iv) members of the Legislature detained in jail as security State prisoners?

(b) Will the Hon'ble Minister be also pleased to state—

(i) the number of security and State prisoners released, and
(ii) the number of persons arrested and detained as security and State prisoners,

since the assumption of office by the present Ministry?

(c) Will the Hon'ble Minister be pleased to state—

(i) the number of security prisoners who were arrested in 1940 and 1941 and are detained in jail since then; and
(ii) the number of such security prisoners that have been released?

(d) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of expediting the release of all the security and State prisoners?

(e) If the answer to (d) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a)(i) 1,286 on the 7th November, 1944.

(ii) 15 on the 7th November, 1944.

(iii) 18 on the 7th November, 1944.

(iv) 10 on the 7th November, 1944.

(b)(i) Security prisoners—553.

State prisoners—2.

(*ii*) Persons arrested 334, and detained as security prisoners 255. Persons arrested 19, and detained as State prisoners 16.

(*c*)(*i*) Arrested in 1940—132.

Still under detention—110.
Arrested in 1941—135.
Still under detention—125.

(*ii*) Arrested in 1940 but since released—22.

Arrested in 1941 but since released—10.

(*d*) and (*e*) No. But the cases of all State and security prisoners are being individually reviewed and those whose continued detention is no longer considered necessary are being released.

Mr. ATUL CHANDRA SEN: With reference to answer (*d*) and (*e*), will the Hon'ble Minister be pleased to state whether apart from other reasons Government will consider the desirability of releasing all security prisoners and Regulation prisoners in order to create a favourable atmosphere for creating a popular front against the enemy?

Khan Bahadur MOHAMMED ALI: I have already said that those whose continued detention is no longer considered necessary are being released. Each individual case is being examined by Government on its merits.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state how many have so far been released in pursuance of the policy he proclaims now?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what procedure has Government adopted in reviewing the cases?

Khan Bahadur MOHAMMED ALI: I have stated that the case of each security prisoner is being examined by Government. So far as the review is concerned, the review of all the cases is being completed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the procedure adopted by Government in reviewing the cases?

Khan Bahadur MOHAMMED ALI: Government examines all the materials against each security prisoner and the review of the case of each prisoner is done every six months.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government gave an opportunity to the particular security prisoners to present their cases before the Government for the purpose of helping the Government in reviewing their cases?

Khan Bahadur MOHAMMED ALI: All prisoners detained under the Ordinance have been given opportunity to present their individual case.

Srijut MANINDRA BHUSAN SINHA: Does Government consider the desirability of granting a general amnesty to all security prisoners in view of the fact that they are all anti-Fascist and also in view of the policy just now announced?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether according to the new Ordinance the charges that are required to be forwarded to the security prisoner whose detention is to be extended, the security prisoner is given the particulars of the charges?

Khan Bahadur MOHAMMED ALI: There is a general formula which is communicated to the security prisoner.

Mr. NISHITHA NATH KUNDU: Is it a fact that the charges communicated to the different security prisoners are a verbatim copy of one single stereotyped charges and nothing different in different stages of security prisoners?

Khan Bahadur MOHAMMED ALI: In all cases, as I have said, the general formula is communicated to the security prisoners.

Mr. NISHITHA NATH KUNDU: Is it a fact that in reviewing the cases only the records that are prepared by the Intelligence Branch and S. B. are taken into consideration and no extra matter or fact is taken into consideration?

Khan Bahadur MOHAMMED ALI: In addition to the result of periodical examinations any statement which the prisoner might make is also taken into account.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that in cases where arrest and detention have been for the first time for a particular detenu no record is available besides the information that is given by the informer?

Khan Bahadur MOHAMMED ALI: All available materials and records are examined by Government and in the case of first detention and arrest, of course the question of interview does not arise.

Alleged lathi charge upon security prisoners of Rajshahi Central Jail.

*114. **Mr. PRATUL CHANDRA GANGULI:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that there was a *lathi* charge upon the security prisoners of the Rajshahi Central Jail on the 29th December, 1943;

(*ii*) that security prisoners Babus Priya Ranjan Das Gupta, Bireswar Singh, Saral Kumar Guha and Arun Kumar Banerjee were severely assaulted;

(*iii*) that Babu Priya Ranjan Das Gupta's condition became very serious;

(*iv*) that he was completely bed-ridden for about a month;

(*v*) that there was an enquiry made by the non-official visitors of the said jail and of the reports submitted by them thereof;

(*vi*) that there was also an enquiry made by the District Magistrate of the said district and of the reports submitted by him thereof; and

(*vii*) that an identification parade was held in connection with the said incident and Babu Priya Ranjan Das Gupta and Bireswar Singh identified the Jail Officers and warders who were responsible for the said incident?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have been taken by the Government to enquire into the said incident in order to find out the person or persons responsible for the *lathi* charge upon the security prisoners and to punish him or them?

(*c*) Is it a fact that after the incident the security prisoners of the said jail sent several petitions to the Home Minister and the Political Secretary stating that their safety and security are at stake and that they prayed on each occasion for an immediate enquiry into the incident?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that no reply to the said petitions has yet been given; and

(*ii*) that no steps have been taken thereunder?

(*e*) Is it a fact—

(*i*) that security prisoners Babus Krishna Gopal Lahiri, B.L., and Jyotish Chandra Mazumdar, and some other security prisoners have been transferred to different jails after the incident;

(*ii*) that they were the main witnesses to the said incident; and

(*iii*) that Dr. Suresh Chandra Banerjee, M.L.A., and Babu Surendra Mohan Ghosh were amongst those who were in that jail during the incident and that Mr. Satya Priya Banerjee, M.L.A., arrived there afterwards?

(*f*) If the answer to (*e*)(*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government made any enquiry of the incident from the said persons?

(*g*) Is it a fact—

(*i*) that after the incident the authorities have taken charge of the kitchen management of the security prisoners;

(*ii*) that they are supplying insufficient and unwholesome food of inferior quality to the security prisoners; and

(*iii*) that the facilities of the security prisoners there have been curtailed?

(*h*) Is the Government considering the desirability of forming an Enquiry Committee consisting of officials and non-officials to find out the culprit or culprits and punish him or them as the case may be?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) and (*ii*) There was an incident in the Rajshahi Central Jail on 29th December, 1943, in course of which security prisoners Babus Priya Ranjan Das Gupta, Bireswar Singh, Saral Kumar Guha and Arun Banerjee received injuries.

(*iii*) and (*iv*) No.

(*v*) The non-official visitors submitted a report to Government.

(*vi*) The District Magistrate's enquiry was ordered by the Home Minister. His report was duly received by Government.

(*vii*) No.

(*b*) Government orders were issued permitting prosecutions of security prisoners concerned in respect of offences alleged against them. They also permitted security prisoner Babu Priya Ranjan Das Gupta to institute a prosecution against members of the jail staff in respect of assault on him. But subsequently on a representation from security prisoners' spokesmen and in order to re-establish good relations between the jail staff and the security prisoners, Government accepted the suggestions that prosecution against security prisoners should be withdrawn and that security prisoner Babu Priya Ranjan Das Gupta should, on his part, refrain from instituting any prosecution against the members of the jail staff.

(*c*), (*e*)(*i*) and (*iii*) Yes.

(*d*) I refer the honourable member to the reply to (*b*).

(*e*)(*ii*) No.

(*f*) The Home Minister has no information whether the District Magistrate or the Deputy Inspector-General (Security) questioned these gentlemen during their respective enquiries.

(*g*)(*i*) Yes, because the security prisoners refused to manage the kitchen themselves.

(*ii*) and (*iii*) No.

(*h*) Does not arise in view of my reply to (*b*).

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*i*) and (*ii*), will the Hon'ble Minister be pleased to state what was the nature of the injuries received by these prisoners respectively?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if they were examined by any competent medical men or were they required to be kept in jail hospital as a result of the assault?

Khan Bahadur MOHAMMED ALI: They received medical aid and assistance.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether they were kept in Jail Hospital?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*vii*) "no", will the Hon'ble Minister be pleased to state if there was any identification parade at all or not?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to (*b*), will the Hon'ble Minister be pleased to state whether Government made any enquiry to ascertain if the proposed prosecutions of security prisoners were deliberately instituted with a view to compel Babu Priya Ranjan Das Gupta to withdraw his complaint against Jail staff?

Khan Bahadur MOHAMMED ALI: No, Sir.

Dr. NALINAKSHA SANYAL: My question was whether the counter cases proposed to be instituted against the security prisoners were manipulated with a view to force Babu Priya Ranjan Das Gupta to withdraw his case?

Khan Bahadur MOHAMMED ALI: I said no.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether any enquiry was made?

Khan Bahadur MOHAMMED ALI: Government gave freedom to both the parties to institute prosecution.

Dr. NALINAKSHA SANYAL: Government permitted prosecution to one. There is no question of permission with regard to the other.

Khan Bahadur MOHAMMED ALI: Government permitted the security prisoners to prosecute the Jail staff and also others.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us what was the substance of a non-official visitor's report to Government?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us when this report was received?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what is the substance of the District Magistrate's report to Government?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when this report was received?

Khan Bahadur MOHAMMED ALI: I have asked for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us when this permission of prosecution was granted?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to a statement that I made on the floor of this House in connection with this incident.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that there is strict provision in the Jail Code that no jail staff would beat or assault the prisoners?

Khan Bahadur MOHAMMED ALI: Certainly.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given and in view of the answer that they have received injuries, will the Hon'ble Minister please tell us whether the Government did hold an enquiry as to how injuries were inflicted on the prisoner?

Khan Bahadur MOHAMMED ALI: I said the Hon'ble Home Minister asked the District Magistrate to conduct the enquiry?

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what was the result of the enquiry?

Khan Bahadur MOHAMMED ALI: I have asked for notice. I have not got the report.

Mr. NISHITHA NATH KUNDU: With reference to (*c*), will the Hon'ble Minister be pleased to state when these petitions were received by the Hon'ble Home Minister?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: On a point of privilege, Sir. We have heard in answer to the questions "I want notice, I want notice." Will this question be held over for tomorrow so that reports may be brought here and shown to the House. That is our privilege.

Khan Bahadur MOHAMMED ALI: I want to submit that if you will see the question, you will find the length of the question and the various details asked and if they ask for the reports and the dates when the petition was submitted and all these things, it is necessary that notice must be given.

Mr. DEPUTY SPEAKER: I do not think any useful purpose will be served by raising this question.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why in view of the definite notice in question (*f*), Government did not enquire to obtain information as to whether the District Magistrate or the Deputy Inspector-General of Prisons questioned the gentlemen mentioned?

Khan Bahadur MOHAMMED ALI: Here it is a question whether the District Magistrate or the Deputy Inspector-General (Security) asked particular questions of particular gentlemen and therefore the answer is that the Government have no information on this point.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether it is a fact that when a prisoner is admitted to a hospital for treatment either for any injury received or for any other disease, a report by the Medical Officer in attendance is maintained?

Khan Bahadur MOHAMMED ALI: Yes.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please consider the desirability of placing copies of the reports in this case on the Library Table?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. CHARU CHANDRA ROY: With reference to answer (*b*), that the prisoners were permitted to bring cases against the Jail authorities will the Hon'ble Minister please tell the House whether these prisoners were not permitted to see their lawyers.

Khan Bahadur MOHAMMED ALI: That is absolutely incorrect. They were given all facilities to see their lawyers and in this connection even the rules were relaxed so that they can have complete freedom and complete privacy during discussion or during taking legal advice from their lawyers.

Mr. HARIPADA CHATTOPADHYAY: Is the Hon'ble Minister aware that assaulting a prisoner is a serious offence according to Jail Code and in view of that is he considering the desirablity of punishing the persons who assaulted the prisoners?

Khan Bahadur MOHAMMED ALI: It is not proved or admitted that there was any assault on the security prisoners by the Jail staff.

Mr. NISHITHA NATH KUNDU: With reference to answer (*g*)(*ii*), will the Hon'ble Minister please state the source of information for his reply?

Khan Bahadur MOHAMMED ALI: About insufficient food?

Mr. NISHITHA NATH KUNDU: Yes.

Khan Bahadur MOHAMMED ALI: Government made enquiries and Government are satisfied that the prisoners are not given insufficient or unwholesome food. I might add that the Hon'ble Chief Minister personally visited Rajshahi and went to the place and he was satisfied that this allegation is not true because he did not receive any complaint on that account.

Mr. DHIRENDRA NATH DATTA: Is it a fact that both from the report of the District Magistrate as well as from the report of the non-official visitors it was found that the injuries were caused by the Jail staff?

Khan Bahadur MOHAMMED ALI: Sir, I have said that the reports are not here and I have asked for notice. I am unable to answer that question.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the Jail staff were departmentally punished?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: Was he promoted?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Alleged private use of Government launch by Subdivisional Officer, Basirhat.

***115. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that the *aman* crop of the South Basirhat area has been damaged due to recent cyclone;

(*ii*) that Test Relief Work has been started there; and

(*iii*) that a motor launch has been placed at the disposal of the Subdivisional Officer for the purpose of supervision of the said Relief work?

(*b*) Is the Hon'ble Minister aware that the said motor launch is being used by the Subdivisional Officer for his private purposes, e.g., hunting, excursions, pleasure trips, etc.?

(*c*) Do the Government propose to make an enquiry into the matter?

The Hon'ble Mr. TARAK NATH MUKHERJEA: (*a*) (*i*) and (*iii*) Yes, in certain areas.

(*ii*) and (*b*) No.

(*c*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Is there any record maintained how and when the Subdivisional Magistrate uses the motor launch?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I have no personal knowledge. I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister refer to the replies to (*a*)(*iii*) and (*ii*) and explain how these two answers are reconciled to each other? He has answered that there has been no relief work started, but at the same time, he has answered that for the purpose of supervision of the relief work a motor launch has been placed at the disposal of the Subdivisional Officer.

The Hon'ble Mr. TARAK NATH MUKHERJEA: I have said that no test relief work has been started, but other relief work has been started.

Mr. NISHITHA NATH KUNDU: Is it a fact that this Subdivisional Officer is using that motor launch for the purpose of hunting deer and he is bringing the meat and distributing amongst the members holding responsible posts in Government for obtaining patronage from them?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Government has no such information.

Appeals made against judgments of present Police Magistrate, Sealdah.

***116. Mr. PATIRAM ROY:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) the number of appeals and motions filed against the judgments of the present Police Magistrate, Sealdah, during the tenure of his office as such in the Calcutta High Court; and

(*b*) the number of them that have been—

(*i*) set aside,
(*ii*) revised, and
(*iii*) quashed?

Mr. SYED ABDUL MAJID (on behalf of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) Five appeals and 7 motions.

(*b*) (*i*) Two (in one case order set aside and in another case order set aside but ordered fresh case to be started after requisite sanction under section 270(*1*), Government of India Act) on appeal against orders of appellate court.

(*ii*) Three orders upheld but sentences modified on appeal against the orders of the Appellate Court (Sessions Judge, 24-Parganas).

(*iii*) Six motions against his order rejected and one motion allowed.

Mr. NISHITHA NATH KUNDU: In view of the facts that out of five appeals practically five have been rejected, and that out of seven motions six have been rejected, does not the Hon'ble Minister think it desirable to relieve this person from exercising judicial duties?

Mr. SYED ABDUL MAJID: No. Those were rejected on the merits of the cases.

Mr. NISHITHA NATH KUNDU: Out of seven motions six have been rejected?

Mr. SYED ABDUL MAJID: Yes.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that very adverse observations have been incorporated in the judgments by the District Judge and the Hon'ble Justices of the High Court?

Mr. SYED ABDUL MAJID: No; I do not know anything.

Consultation with local M.L.A. in matter of reconstitution of Bajitpur Special Debt Settlement Board.

*117. **Rai Sahib MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact—

(*i*) that there is a Departmental circular to the effect that the local M.L.A. or M.L.As. should be consulted by Debt Settlement Officer in order to nominate the personnel of the Boards; and

(*ii*) that the Bajitpur Special Debt Settlement Board has recently been recommended by the local Debt Settlement Officer for its reconstitution?

(*b*) If the answer to question (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the local Scheduled Caste M.L.A. has been consulted by the Debt Settlement Officer for the selection of the member from the Scheduled Caste community;

(*ii*) if not, why not; and

(*iii*) what has been commented in his report of recommendation regarding the Scheduled Caste representative?

Khan Bahadur A. F. M. ABDUR RAHMAN (on behalf of the Hon'ble Mr. Jogendra Nath Mandal): (*a*)(*i*) Yes.

(*ii*) The Board is functioning with the old personnel the term of which has lately been extended for validation of their work after the expiry of their term. A reconstitution proposal in the light of the Government Circular is due but has not yet been received by Government.

(*b*) Does not arise.

Supply and distribution of kerosene oil in Chandpur subdivision.

*118. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to lay on the table a statement showing—

(*i*) the quantity of kerosene oil allotted to and distributed in different unions of the Chandpur subdivision, Tippera, from July to December, 1943, union by union; and

(*ii*) the quantity of kerosene oil supplied to the No. 2 Kalocho Union, police-station Hajiganj, during that period, date by date?

(*b*) Is it a fact—

(*i*) that the people of No. 2 Kalocho Union, police-station Hajiganj, are not getting any kerosene oil for the last two months; and

(*ii*) that kerosene oil is sold in black markets at Rupee one per seer at local Hajiganj bazar in abundant quantity?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken by the local officials in the matter?

(*d*) Is the Hon'ble Minister considering the desirability of instituting an enquiry into the matter in order to redress the grievances of the people of the locality?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*)(*i*) and (*ii*) Statements are laid on the Table.

(*b*) No.

(*c*) Does not arise.

(*d*) No. Steps have been taken to improve distribution of kerosene generally in the rural areas.

Statement referred to in reply to clause (a) (i) of starred question No. 118 showing Kerosene distribution in the unions.

Names of the Unions.	Distribution of Kerosene from July to December in tins.	Names of the Unions.	Distribution of Kerosene from July to December in tins.
Bishnupur ...	946	Kalacho ...	648
Ashikati ...	1,082	Hajigonj ...	668
Rampur ...	1,003	Baskul ...	954
Tarpurchandi ...	834	Hatila ...	621
Balia ...	897	Tamta ...	669
Sakna ...	1,044	Gandharbapur ...	863
Ibrahimpur ...	840	Suchipara ...	758
Hamerchar ...	1,023	Mehar ...	819
Gazipur ...	644	Rajersree ...	636
Nilkamal ...	842	Chitoshi ...	724
Algidurgapur ...	777	Pathaur ...	759
Himichar ...	1,031	Bithash ...	486
Rajrageswar ...	455	Sahadebpur ...	740
Shaitwal ..	644	Kachua ...	950
Sadullapur ...	688	Kadla ...	568
Durgapur ..	443	Karaiya ...	728
Mohanpur ...	872	Gohat ...	719
Nasirmkandi ..	333	Ashrubpur ...	511
Eklashpur ...	929	Balithuber ...	1,000
Fatepur ...	870	Subidpur ...	945
Charkalia ...	1,091	Gupti ...	1,052
Matlab ...	1,329	Paikpara ..	1,231
Nayeggawn ..	1,150	Gobindapur ...	1,140
Narayanpur ...	1,067	Chardukhia ...	1,005
Islamabad ...	723	Faridgung ...	1,393
Upadhi ...	903	Rupsa ...	1,220
Rajargawn ...	1,020		

Statement referred to in reply to clause (a) (ii) of starred question No. 118, showing the quantity of kerosene (in tins) supplied to Kalocho Union, police-station Hajiganj, from July to December, 1943, date by date.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
July ..	..	..	..	..	1	..	..	..	..	..	..	7	..	..	..	..
August ..	..	..	..	.	.	.	..	..	.	.	.	..	33	..	..	..
September ..	..	81	..	..	.	.	..	..	.	..		..	..	..	..	90
October ..	..	..	..	..	..	..	75	.	..	..	..	.	.	..	..	..
November ..	.	..	..	..	105	.	..	..	..	..	..	..	.	..	..	
December ..	..	..	.	..	..	..	..	..	..	..	.	..	..	..	.	..

	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total.
July ..	..	..	..	45	..	1	.	.	.			..	..	2	..	56
August .	..	..	..	56	..	..	.	..	.	..	..	..	..	.	..	89
September ..	..	..	..	..	..	..	..	..	.	..	..	..	..	.	.	171
October ..	..	..	..	..	..	..	76	..	..	..	..	..	..	..	..	151
November ..	..	..	..	..	.	..	..	..	..	.	..	..	..	.	..	105
December ..	..	..	..	..	..	..	.	..	..	76	..	.	..	..	..	76
														Total	..	648

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to explain this vast difference in the supply of tins, because only 333 tins were supplied in one union and in another union 1,393 tins were supplied?

The Hon'ble Mr. H. S. SUHRAWARDY: I take it it is apparently due to the difference in population.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether it is only due to the difference in population or there are some other reasons also?

The Hon'ble Mr. H. S. SUHRAWARDY: No; there may have been some mal-administration as well.

Quota of sugar for rural people of Bankura.

*119. **Mr. MANINDRA BHUSAN SINHA:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) whether sugar is distributed between the two units in the district of Bankura, Municipal and Rural, on 50 : 50 basis;

(*b*) whether in the Sadar subdivision of Bankura, there is only one Municipal town with a population of less than half a lakh, and there are more than 100 Unions with a population of nearly 11 and half lakhs;

(*c*) whether a proposal was made for fixing the quota of sugar for the Rural unit twice as much as the quota for the Municipal unit;

(*d*) that it was thrown out by majority votes in the local Food Committee; and

(*e*) if so, whether Government are considering the desirability of looking into the matter and fixing an equitable basis of distribution between the two units in the district?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) to (*d*) Yes.

(*e*) No. The matter has been decided by the local Committee, and the reasons in support of the decision of the Committee may be stated as follows:—

(*i*) The demand for sugar is relatively higher in the urban than in the rural areas. Bakeries, sweetmeat vendors, etc., consume a large portion of the sugar allotment of the urban area.

(*ii*) Santals, Bagdis, Bauris and other aboriginals who form a considerable portion of the population of the rural areas of the Sadar subdivision do not generally consume sugar.

(*iii*) From information available from the merchants it appears that even in normal times not much more than 50 per cent. of the sugar available in the district, was consumed in the rural areas.

(*iv*) *Gur* is a general substitute for sugar in the rural areas and more than 75 per cent. of the *gur* allotment of the district has been used for the rural areas.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us which Food Committee made this decision?

The Hon'ble Mr. H. S. SUHRAWARDY: The Food Committee of Bankura District or the Subdivisional Food Committee.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether it is the District or the Subdivisional Food Committee?

The Hon'ble Mr. H. S. SUHRAWARDY: Apparently the Sadar Subdivisional Food Committee.

Mr. KAMAL KRISHNA ROY: With reference to answer (*e*), will the Hon'ble Minister kindly state the percentage of the rural representatives in the Food Committee referred to?

The Hon'ble Mr. H. S. SUHRAWARDY: I ask for notice. I take, it, however, that the Bankura town itself is so much rural in its setting that I am sure that the representatives, even though they may be legitimately the representatives of the town, are representatives of the rural areas.

Mr. KAMAL KRISHNA ROY: Is it a fact that most of the Committee members are officials and a pact body of Rai Bahadurs and Khan Bahadurs?

The Hon'ble Mr. H. S. SUHRAWARDY: I don't know; I am not aware.

Mr. KAMAL KRISHNA ROY: With reference to answer (*c*)(*iii*), where it is stated "From information available from the merchants, etc.", will the Hon'ble Minister kindly state whether all the merchants in both the subdivisions were consulted regarding consumption of sugar in the d.strict?

The Hon'ble Mr. H. S. SUHRAWARDY: I am almost certain that all the merchants were not consulted. This is the general view throughout Bengal, and this is also our experience as between Calcutta and the district.

Mr. KAMAL KRISHNA ROY: Will the Hon'ble Minister kindly state whether he is aware of the fact that even in normal years nearly half of the requisite amount of sugar is supplied by different merchants other than the merchants of Bankura town?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not understand how that question arises.

Mr. KAMAL KRISHNA ROY: It arises, Sir, because it has been stated that sugar is distributed between the rural and urban areas on 50: 50 basis.

Mr. DEPUTY SPEAKER: I have allowed that question.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the merchants who were consulted gave their view that 50 per cent. of the imports were consumed by the urban population and 50 per cent. by the rural population. I have no reason to differ from that view. As I have pointed out, this is the general view throughout Bengal.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that *gur* used to be consumed by the rural population, because the price of *gur* was much lower than sugar in normal times before the war broke out?

The Hon'ble Mr. H. S. SUHRAWARDY: That may be so. There is another reason for it, because *gur* is a non-imported commodity while sugar is an imported commodity.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that there are in the rural areas a large number of people who are affected by diseases like malaria, cholera and small-pox?

Mr. DEPUTY SPEAKER: How does that question arise?

Mr. DHIRENDRA NATH DATTA: It arises, Sir, because the patients require sugar in larger quantity.

The Hon'ble Mr. H. S. SUHRAWARDY: There is a certain allotment of sugar and actually the allotment made to the rural areas is probably consumed by those patients in preference to the able-bodied people.

Mr. DHIRENDRA NATH DATTA: In view of this observation, do the Government consider the desirability of changing the allotment of 50: 50, because the rural population of the Bankura district is much higher than the urban population?

The Hon'ble Mr. H. S. SUHRAWARDY: I shall pass on the view of the honourable member to the District Magistrate who will, no doubt, consult the Food Committee and, if necessary, will make the requisite alteration.

Srijut MANINDRA BHUSAN SINHA: Has the Government any power to override the decision of the Food Committee, if that decision is unjust and arbitrary?

The Hon'ble Mr. H. S. SUHRAWARDY: Certainly; Government has power to do so.

Srijut MANINDRA BHUSAN SINHA: It is admitted that the population in the rural areas is about 22 times the population in town. Giving due weightage to the town people, does the Hon'ble Minister consider it equitable that the sugar should be distributed on equal basis?

Mr. DEPUTY SPEAKER: The reply has already been given.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Supply of sugar and kerosene oil in rural area of Birbhum.

***120. Dr. SHARAT CHANDRA MUKERJEE:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact that in the rural area of Birbhum, sugar and kerosene oil are not yet supplied to the people through the control shop?

(*b*) If so, will the Hon'ble Minister be pleased to state what step the Government propose to take in the matter?

(*c*) Is it a fact, that those who do not pay the minimum tax to the Union Board do not receive the concession of getting foodstuffs at the control rate?

(*d*) Is the Hon'ble Minister aware that in Bolepore many of the ratepayers, who pay Re.1 as their tax, are deprived of getting the privilege of purchasing foodstuffs at the control rate?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*), (*c*) and (*d*) No.

(*b*) Does not arise.

Dr. SHARAT CHANDRA MUKHERJI: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether any restriction has been imposed in the mofussil for receiving foodstuffs from Government shops?

The Hon'ble Mr. H. S. SUHRAWARDY: No, there is no restriction.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when this question was received?

Mr. SPEAKER: I do not think that this question arises. If you have got anything to ask you may first ask to what period this answer relates.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us to what period this answer "No" to questions (*a*), (*c*) and (*d*) relates?

The Hon'ble Mr. H. S. SUHRAWARDY: For all time: from the time when the question was answered up to the present.

Supply of rice and paddy in Chittagong.

***121. Dr. SANAULLAH:** I. Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the total quantity of (*i*) rice and (*ii*) paddy supplied, thana by thana to the district of Chittagong—

(A) from outside the district, and

(B) procured from inside the district since the 1st of January, 1944, up to the 31st of March, 1944;

(*b*) the total quantity of (*i*) kerosene, (*ii*) sugar, (*iii*) salt, (*iv*) flour, (*v*) *atta*, and (*vi*) Standard cloth supplied thana by thana during the said period; and

(*c*) whether any (*i*) rice, (*ii*) paddy, (*iii*) salt, (*iv*) sugar, (*v*) kerosene, (*vi*) flour, (*vii*) Standard cloth and/or (*viii*) *atta* were taken out of the boundary of the district of Chittagong?

II. If the answer to I(*c*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the respective quantity taken out;
(*ii*) the place or places where; and
(*iii*) the purpose for which it was taken?

The Hon'ble Mr. H. S. SUHRAWARDY: I(*a*) and (*b*) A Statement is laid on the Table.

(*c*) No.

II. Does not arise.

Statement referred to in reply to part I of starred question No. 121, showing the total quantities of rice, paddy, kerosene, sugar, salt, flour, atta, and standard cloth supplied, thana by thana, in the district of Chittagong from 1st January, 1944 to 31st March, 1944.

Name of Thana	Rice (procured from outside the district).	Paddy (procured from inside the district)	Kerosene.	Sugar	Flour.	Atta.	Standard cloth.
	Maunds.	Maunds.	Tins.	Bags.	Maunds.	Maunds.	Bales.
Banskhali ..	7,250		1,129	275	540	420	6
Satkhania	1,600	.	1,734	300	750	530	4
Anwara	11,500	.	833	200	200	400	16
Patiya	5,570	.	2,113	1,168	3,540	3,340	39
Boalkhali . .	600	.	839	50	.	500	8
Rouzan ..	3,550		705	225	2,300	1,000	32
Kotwali .. .	10,000	.	.	512	1,400	650	166
Rangunia .	1,000	..	851	100	.	700	11
Chakaria . .	.	11,041	972	186	100	25	..
Kutubdia ..		5,861	260	64	25	25	10
Teknaf ..		6,725	. *	53	25	25	..
Ramu .. .	..	9,025	316	63	25	25	..
Ukhia	..	5,400	. *	34	25	25	..
Cox's Bazar	..	5,689	771	275	250	75	18
Panchalaish	..	..	498	..	..	..	8
Hathazari	.	.	1,328	641	2,204	3,062	6
Mahesbkhali	..	4,650	566	89	50	25	..
Fatikchery .. .	..	.	46	..	..	.	..
Double Moorings ..	..	..	505	..	..	.	9
Sitakunda	..	.	938	173	450	200	39
Mirsarai	..	..	1,366	293	..	..	26

Note.—(1) Quantity of rice procured from inside the district from the 1st January, 1944 to 31st March, 1944—Nil.
(2) Quantity of paddy supplied from outside the district from the 1st January, 1944 to 31st March, 1944—Nil.
(3) Quantity of salt supplied from the 1st January, 1944 to 31st March, 1944—Nil.

*Included in the quantity shown against Cox's Bazar.

Appointment of a sole agent for purchase of rice from other provinces.

*122. **Mr. DHIRENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(a) whether the Government have appointed a sole agent for purchase of rice from other provinces;
(b) if so, what is the name of the firm so appointed;
(c) the principle on the basis of which selection has been made;
(d) the reason for appointing only one agent;
(e) whether any advance has been made to the firm so appointed; and
(f) if so, the amount advanced and against what security?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes, at the time the question was asked.

(b) Messrs. M. M. Ispahani, Limited.

(c) and (d) On the basis of business experience, integrity and trade connections in other provinces. The appointment of too many agents upsets the price and is not favoured by the Provincial Government concerned.

(e) No. Payments were only made against purchase-advices.

(f) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any terms were previously settled on the basis of which this sole agent was appointed on the date when they took over the work?

The Hon'ble Mr. H. S. SUHRAWARDY: I understand that certain general terms were settled with them regarding the conditions of their agency and then formal terms were put in a document later on.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government made any attempt to ascertain if any other firm or firms would be prepared to do the work on a lower commission than that arranged to be paid to Messrs. M. M. Ispahani, Limited?

The Hon'ble Mr. H. S. SUHRAWARDY: Government made many attempts to find them out and they chose the best firm available. I have no doubt that there were several other firms prepared to do the work, but whether they would be able to do it or not remains to be seen.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which other firms were required to submit their offers in this connection?

The Hon'ble Mr. H. S. SUHRAWARDY: It is quite clear that we did not ask for either tenders or offers. The honourable member may remember that at about this time a number of various organisations sent in the names to me of persons who they thought would be suitable, but Messrs. M. M. Ispahani, Limited, were found to be the best of all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who were those persons or firms named and which were the organisations Government asked to send in names for such work?

The Hon'ble Mr. H. S. SUHRAWARDY: Quite a number of firms sent in their names and the organisations were mostly Chambers of Commerce.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position now to give any idea of some of the names that were actually examined by Government and rejected and which are the actual Chambers of Commerce that were asked to submit names for such work?

The Hon'ble Mr. H. S. SUHRAWARDY: I would like to have notice. I am sure if I search the papers I shall be able to find them out.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that the Chambers of Commerce came to know of this appointment only after the appointment was actually completed?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no doubt that that is so. Certainly I could not tell the Chambers of Commerce whom we were going to appoint.

Dr. NALINAKSHA SANYAL: With reference to answers (*c*) and (*d*), will the Hon'ble Minister be pleased to state whether it is a fact or not that soon after the appointment of this agent as sole agent prices of paddy and rice both in the province as well as outside the province went up?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. This is not so, for the simple reason that for a long time the fact that these persons were appointed sole agent was not made public.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this sole agent had been operating in the purchases immediately before the announcement of this appointment and theerby was enabled to keep a large stock in his hand at lower prices to offer the same to Government at higher prices?

The Hon'ble Mr. H. S. SUHRAWARDY: That is wholly incorrect. The honourable member knows that we have had a tremendous amount of discussion on the matter. The honourable member knows that this firm made considerable purchases both in Bengal and outside and they offered their whole stock to Government at the prices at which they had purchased and did not make a single pice of profit, although the price in Bengal was very much higher at that time.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), will the Hon'ble Minister be pleased to state what machinery have Government set up to examine if the so-called price-purchase advices were genuine or merely paper offers?

The Hon'ble Mr. H. S. SUHRAWARDY: The purchase advices were quoted to us and we made payments against those advices according to the advice. There was a continuous audit that was carried on and there were officers of Government placed in the office of the firm who examined all the papers. Since then also all the papers have been most meticulously examined by the Accountant-General's office.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the report of the Accountant-General, Bengal, purported to be presented to the Legislative Assembly which was placed before the Legislature a few days ago in this session a paragraph does appear strongly criticizing the arrangement made by Government in regard to rice purchase scheme in respect of this particular firm?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, it has not been brought to my notice. Even if there was a criticism I am perfectly satisfied that there was nothing wrong in the transactions made.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the so-called purchase advices did not correspond with deliveries either immediately or within any reasonable time?

The Hon'ble Mr. H. S. SUHRAWARDY: It is true that deliveries were held up in some cases but they were held up owing to the intransigence of various provinces in which those purchases were made and the honourable member must know that it took me a considerable time—I think, nearly a year—to get some of the stocks out of those provinces.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if all the rice purchased or advised to have been purchased by this firm on behalf of Government has since been received by Government in tact?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe that nearly all the rice is coming by now and I have no grounds in saying that we will not get the entire amount. So far as the condition of this rice is concerned, the firm did whatever it could to keep the rice quality up to par by changing and reconditioning from time to time but obviously there was deterioration of some amount owing to the time that elapsed between the purchase and the despatch.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact or not that large quantities or certain quantities of rice purchased by Messrs. M. M. Ispahani, Ltd., in Orissa as well as in Narkatiaganj and parts of Nepal territory have not yet been delivered and taken over?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who are the owners of those stocks of rice which are still lying outside the province for which the Government had actually paid out money on the basis of the so-called purchase advices?

The Hon'ble Mr. H. S. SUHRAWARDY: The Government of Bengal must be the owner.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what machinery has been set up to ensure that the rice or paddy of which the Government of Bengal are the owners are kept in proper condition and do not deteriorate?

The Hon'ble Mr. H. S. SUHRAWARDY: The agent has to see to it that the condition is kept at par and I take it that what is possible to be done is done by him.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is fact that all the risks in regard to these purchases have been taken over by Government and all the benefits have been left with the firm?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not understand what the risks are.

Dr. NALINAKSHA SANYAL: The risks of deterioration of the stock and loss as a result of continued storage in a far off place.

The Hon'ble Mr. H. S. SUHRAWARDY: There are no risks but there is some certainty of deterioration and it was on this account that I have addressed the Government of India over and over again and also the Governments of Bihar and Orissa that they were again in so depriving the people of Bengal of stocks which they needed most were to a great extent responsible for the crisis through which we were passing. It was on account of that strong representation that ultimately the Government of Bihar and other Governments agreed to allow those stocks to go out of their provinces.

Dr. NALINAKSHA SANYAL: What is the total amount paid to this firm on account of their purchases as mentioned in answer (*e*)?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it.

Dr. NALINAKSHA SANYAL: What is the total approximate amount involved in the transactions in which this firm acted as the sole agent of Government?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not bothered even to find it out.

Dr. NALINAKSHA SANYAL: What is the total commission or earning made by this firm legally out of the transactions made on behalf of Government in connection with the purchases as the sole agent?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no idea.

Expenditure of Civil Supplies Department.

*123. **Babu NAGENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(a) the names of the different departments of the Government at present concerned with the supply, disposal, import and export of the various sorts of foodgrains, and kerosene, sugar, mustard oil, coal and fuel wood in Bengal;

(b) under which Minister or Ministers these different departments work; and

(c) the total amount of cost incurred in running these departments referred to in clause (a) for the months of May and April, 1943?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) The Department of Civil Supplies.

(b) The Minister in charge of the Department of Civil Supplies.

(c) Rs.92,120 (approximately) for April and Rs.1,01,777 (approximately) for May, 1943. These figures include the charges incurred by all offices subordinate to the department and district and subdivisional supply establishments.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is not a fact that the expenses on this head have increased enormously since May, 1943?

The Hon'ble Mr. H. S. SUHRAWARDY: Certainly. The honourable member may remember the Budget of 1944.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that many clerks and employees in the Civil Supplies Department are sitting idle because they have got nothing to do?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that the Civil Supplies Department has yet attained the dimension, as the honourable member thinks it has done, that there are lakhs of employees in the Civil Supplies Department.

Anti-hoarding drive in some subdivisions of Midnapore.

*124. **Dr. GOBINDA CHANDRA BHOUMIK:** (a) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether the Tamluk or Contai subdivisions are self-sufficient in rice or paddy and in the current year?

(b) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state the quantity of deficiency as arrived at by the anti-hoarding drive?

(c) Will the Hon'ble Minister be pleased to state what steps he is proposing to take for the supply of rice and paddy to the flood-affected area?

(d) Is it a fact that large quantity of rice is being taken away from the Midnapore district by the Government agents?

(e) Will the Hon'ble Minister be pleased to state—

(i) what is the price of rice just now at Contai, and Tamluk; and

(ii) how many deaths from starvation are reported up till now in Contai and Tamluk subdivisions?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Both subdivisions were reported to be deficit areas last year.

(b) Contai subdivision—14 lakh maunds in terms of rice.

Tamluk subdivision—6 lakh maunds in terms of rice.

(c) Supplies of foodgrains were sent from time to time in accordance with requirements.

(d) No.

(e)(i) The prevailing prices in June, 1943, when notice of the question was received were Rs.24 per maund wholesale, and Rs.26 per maund retail.

(ii) Precise figures are not available.

Anti-hoarding Drive in Khulna district.

***125. Mr. NAGENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state:—

(a) the total amount payable as travelling allowances to officers and other persons employed in the Anti-hoarding Drive in June, 1943, in the district of Khulna;

(b) the total quantity of rice and paddy found in excess of the individual's requirements up to the 31st December, 1943, in that district; and

(c) the total quantity of paddy and rice seized?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Rs.4,439-3.

(b) Paddy—148,708 maunds.
Rice—13,235 maunds.

(c) Paddy—53,949 maunds.
Rice—1,137 maunds.

Scarcity of coal in Calcutta and mufassal districts.

***126. Mr. PRATUL CHANDRA GANGULI:** (a) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state what arrangements, if any, have been made to meet the coal scarcity in Calcutta and mufassal districts?

(b) Is it a fact—

(i) that wagons loaded with coal are arriving in Calcutta;

(ii) that coal is not available in Calcutta; and

(iii) that many families in Calcutta and mufassal districts are sometimes compelled to go without food for want of coal?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state what arrangements, if any, have been made to supply each family with coal necessary for cooking their food?

The Hon'ble Mr. H. S. SUHRAWARDY: The position as it was on the 14th September, 1943, was as follows:—

(a) The breaches on the East Indian Railway have caused serious difficulties in the transport of coal. The Controller of Coal Distribution has arranged to send 25 wagons of soft coke to Calcutta every day. But actual arrivals have not quite reached that figure. Recently he has also agreed to allot 5 more wagons per day for the districts. Additional wagons are being brought by the Azimganj-Nashipore route.

(*b*) (*i*) Yes.

(*ii*) No.

(*iii*) Government have had no such reports.

(*c*) It is open to any family to buy its coal from a retail dealer in the neighbourhood.

Issue of permits for selling essential commodities in Dinajpur district.

***127. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) the names of persons holding permits for selling (1) kerosene, (2) *atta*, (3) flour and (4) sugarcandy in the district of Dinajpur;

(*ii*) whether the permit-holders are old and *bona fide* dealers or new ones; and

(*iii*) the principle followed in issuing such permits?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that—

(*i*) old and *bona fide* dealers were refused permits; and

(*ii*) that permits were issued to persons new in the field owning no shop or business in the line?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*d*) Is it a fact that persons of the said district, convicted under the Defence of India Rules for black-marketing, have been given permits to sell kerosene, *atta*, flour, etc.?

(*e*) Will the Hon'ble Minister be pleased to state whether it is a fact, that disposal of applications for such permits is inordinately delayed in some cases for 5 months at the Sadar?

(*f*) Will the Hon'ble Minister be pleased to state whether Sj. Harendra Nath De, a dealer in the town of Dinajpur, and Sj. Jogendra Nath Nandy, a dealer in Dalimgaon in police-station Kaliaganj in the Sadar subdivision, had applied for permit?

(*g*) If so, will the Hon'ble Minister be pleased to state whether any order has been passed on their applications? If so, when?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*)(*i*) The time and labour involved in the compilation of such a list, would not be commensurate with the importance of the subject.

(*ii*) The permit-holders are all *bona fide* dealers and most of them are old dealers.

(*iii*) The principle followed is one of public utility, viz., equitable distribution through reliable dealers. If there is nothing against an old dealer, preference is given to him over new dealers. If however an old dealer is found unreliable, preference is given to any reliable dealer over him.

(*b*) and (*c*) Most of the permit-holders are old *bona fide* dealers, but all old dealers could not be given permits, where it was found necessary to reduce the number of shops for effective control. Some new dealers were also appointed when on dividing consumption areas into zones for the purpose of controlled distribution it was found that old dealers were not available in any particular zone.

(*d*) No such case is known.

(*e*) No.

(*f*) and (*g*) Both applied for permits. No permit could be given to Babu Harendra Nath De as there was no vacancy. The application of Babu Jogendra Nath Nandy for restoration of his permit has been refused.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why more than a year was taken to reply to this question?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, Sir, I have confessed before and I still confess that many of these questions remained buried. We considered the possibility for at least two sessions of placing these questions before the Hon'ble the Speaker and then coming to a decision as to which questions are still of topical interest and to withdraw those that were not. I found that we could not just come to that final position and I thought it better to answer all the questions even though they were out of date.

Mr. NISHITHA NATH KUNDU: Will it be possible for the Hon'ble Minister to give us the number of the total dealers and the number of old dealers, with reference to answer (*a*)(*ii*)?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, I could not do it.

Mr. NISHITHA NATH KUNDU: Did the Hon'ble Minister personally examine the list of dealers?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how he was satisfied without examining the list and without knowing the total number of old dealers and dealers that the permit-holders are all *bona fide* dealers and most of them are old dealers?

The Hon'ble Mr. H. S. SUHRAWARDY: This is the answer as given by the responsible officers who examined the list. Surely the honourable member does not suggest that I should examine the list of all the dealers in Bengal and come to decisions.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that by putting this question the member practically complained against the District Civil Supply Authorities who supplied these answers?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, I do not consider this in the nature of a complaint. This is a request for information. If the honourable member has any complaint to make, I shall be very glad to receive his complaint and then forward it for enquiry.

Mr. NISHITHA NATH KUNDU: With reference to answer (*a*), is the Hon'ble Minister aware that this member published an elaborate statement in all the newspapers in Calcutta and gave at least two names where those persons were convicted of black-marketing and still allowed to continue to sell kerosene?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, I am not aware of that.

Pay of certain officers under Civil Supplies Department.

*128. **Mr. MADHUSUDAN SARKAR:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the respective pays of—

(*i*) the Rationing Inspectors, and
(*ii*) the Textile Inspectors

under the Civil Supplies Department;

(*b*) whether he is aware that some officers from the Sales-tax Department as well as from the Education Department have been deputed there as such; and

(*c*) the rates of their pay drawn by the officers referred to in (*b*)?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) Rs.125 per month.

(*ii*) For direct recruits Rs.125 per month and for officers already in Government service grade pay and Rs.20 subject to a total pay not to exceed Rs.125.

(*b*) Yes.

(*c*) *Vide* reply to part (*a*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that as a result of the inadequacy of pay of the Inspectors of the Provincial Textile Department a good amount of abuse and corruption is rampant in the rank?

The Hon'ble Mr. H. S. SUHRAWARDY: I doubt very much whether it is due to inadequacy of pay. I think it is due to inadequacy of personnel.

Appointment of ladies in Civil Supplies Department.

*129. **Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the present number of ladies employed in the Civil Supples Department;

(*b*) how many of them are Muslims;

(*c*) in what duties they are employed; and

(*d*) whether they are to maintain any diary or any record about their work?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) 151.

(*b*) Five

(*c*) Mostly on clerical work, a few being employed as Typists, Stenographers and Telephone Operators One of them is employed as a local auditor

(*d*) No

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what steps Government have taken to ensure that the proportion of Muslim lady employees is equal to, if not exceeding, the number of Hindu and non-Muslim lady employees in the department?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the Government has taken no steps.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that as a result of a large number of Hindu and non-Muslim lady employees being employed in the department as against a correspondingly larger number of male Muslim employees there is a considerable amount of annoyance and sometimes corruption in the department in regard to the relation between the male and female employees of the section?

The Hon'ble Mr. H. S. SUHRAWARDY: The assumption made by the honourable member is entirely wrong. There is no corresponding increase in the number of male employees owing to an increase in the number of female employees. As a matter of fact I have to regret to state that in all departments of Civil Supplies we have not been able to maintain the communal ratio and the number of Muslim employees is below that to which they are entitled.

Dr. NALINAKSHA SANYAL: Has the attention of Government been drawn to any petition or application from a section of the lady assistants employed in the office of the Controller of Rationing, Calcutta, that they are being constantly pestered and annoyed by Muslim male employees of the department?

Mr. SPEAKER: I do not think that this question arise. Next.

Dr. NALINAKSHA SANYAL: Sir, I am on my legs.

Mr. SPEAKER: I have called the next.

Dr. NALINAKSHA SANYAL: Is it because it involves the honour of Hindu girls that you disallow that question?

Mr. SPEAKER: Order, order. Will you please sit down?

Dr. NALINAKSHA SANYAL: Yes, I will, but this is a very serious matter. This is a matter of life and death to women of Bengal.

Mr. SPEAKER: I am sorry it does not arise out of the question. You are bringing in matters which do not arise out of this question. That is why I thought it is waste of time.

Dr. NALINAKSHA SANYAL: You know also that there are questions on this subject which I asked and which you disallowed several times and I have been trying to get at——

Mr. SPEAKER: Will you please sit down?

Dr. NALINAKSHA SANYAL: I will, but this is a question involving the honour of my mothers and sisters.

Mr. SPEAKER: Order please.

Dr. NALINAKSHA SANYAL: I want this answer whether Hindu girls will be protected or not.

Mr. SPEAKER: If you persist like this I will have to take disciplinary action against you. I must tell you that you are entitled to ask supplementary questions but there is a limit to this. Here it was a pure question of how many Muslims and how many Hindus were appointed but you brought in the question of sex, you brought in the question of corruption and all those which do not at all arise out of the question.

Dr. NALINAKSHA SANYAL: The question of sex is there in the question.

Mr. SPEAKER: That is another matter. You cannot bring in these questions.

Dr. NALINAKSHA SANYAL: Supplementary question

Mr. SPEAKER: I do not allow that.

Dr. NALINAKSHA SANYAL: I have another supplementary question.

Mr. SPEAKER: I will not allow that.

Dr. NALINAKSHA SANYAL: I have a right to put another question.

Mr. SPEAKER: Nonsense. Will you please sit down?

Dr. NALINAKSHA SANYAL: Will you kindly withdraw that word "nonsense"?

Mr. SPEAKER: No.

Dr. NALINAKSHA SANYAL: You have been in the habit of saying——

Mr. SPEAKER: I have repeatedly asked you not to put any question but still you are persisting. I am sorry it is a conduct unbecoming of a member of this House.

Mr. DHIRENDRA NATH DATTA: Sir, I would request you to withdraw the word "nonsense" which is unparliamentary.

Mr. SPEAKER: It is not at all unparliamentary. I did not mean that a certain member has got no sense. I never intended that. Even if I say that a certain expression is nonsensical, certainly it is no offence against any member. I never cast any reflection on any member. If I have hurt the feelings of any member of this House, I am really very sorry for it. I never intended it and even now I say that I never intended to wound the feelings of anybody. But I have got to carry on the business of the House according to rules, and I must see that the rules are not infringed.

Dr. NALINAKSHA SANYAL: Supplementary question——

Mr. SPEAKER: On this question?

Dr. NALINAKSHA SANYAL: Yes.

Mr. SPEAKER: I am not going to allow that. I have closed the question.

Dr. NALINAKSHA SANYAL: Sir, I was on my legs and I wanted to put supplementary questions as a matter of right——

Mr. SPEAKER: Order, order. Dr. Sanyal, I ask you to sit down. I have closed the question

Dr. NALINAKSHA SANYAL: Why should you close it? You do not realise our feelings on this question.

Mr. SPEAKER: I realise everybody's feeling. I am not going to cross words with you. I ask you to sit down. Otherwise I shall have to take disciplinary action.

Dr. NALINAKSHA SANYAL: I do not question your ruling.

Mr. SPEAKER: This is my last warning.

Mr. SASANKA SEKHAR SANYAL: Sir, I hope you will not give way to excitement. You have given a ruling that this question is closed. But may I invite your attention to your own precedent that although you have for the time being closed a question, still regard being had to the importance of the proposed question you have allowed questions to be put. Now, Sir, since the question itself was of such a nature that it leads to supplementary questions which were put by Dr. Sanyal, I appeal to you, to reconsider your decision. Since you have yourself said that you had no mind to hurt the feelings of any member I hope you will allow some more questions to be put. And on behalf of this side, Sir, I implore you with folded hands to reconsider your decision and allow those questions to be put.

Mr. SPEAKER: I have already given my decision and I am not going to allow any more supplementary questions on this question.

Question time is over.

Dr. NALINAKSHA SANYAL: Question time is not over yet because we have taken a longer time for prayer. We resumed at ten minutes to five.

The Hon'ble Mr. TAMIZUDDIN KHAN: No, no.

Dr. NALINAKSHA SANYAL: You ask your Secretary, Sir.

Mr. SPEAKER (after consulting Secretary): I understand that there are still two minutes left.

Dr. NALINAKSHA SANYAL: Supplementary question.

Mr. SPEAKER: I am not going to allow any more supplementary questions. I have closed that chapter.

Dr. NALINAKSHA SANYAL: Why do you take this attitude, Sir?

Mr. SPEAKER: Order, order. I am not going to explain my conduct If you do not resume your seat, I have got to take drastic action. I am not going to allow any more supplementary questions. Finis. Dr. Sanyal will you kindly resume your seat? This is my last warning.

Dr. NALINAKSHA SANYAL: I appeal to you most respectfully that it is a matter which cannot be treated in this way and I respectfully request you to reconsider your decision. The point is a vital one and the manner in which this question which has been hanging fire for two sessions is being treated with least courtesy by you and your department makes me feel very hurt and I submit once again that today at least when we have got an opportunity you will not gag us.

Mr. SPEAKER: I have not gagged anybody. If you had put supplementary questions which were relevant I would have allowed that, but now you have taken a pretty long time and I am not going to allow any more supplementary questions on this question at all. You have made certain reflection on my office and myself also with regard to this question, and I have got to look into this question. (DR. NALINAKSHA SANYAL: I maintain that) I will see how far my office and myself are responsible for this and I shall be able, I hope, to make a statement to that effect tomorrow. But in the meantime I hope, Dr. Sanyal, you will obey my ruling

Question time is over.

Babu MADHUSUDAN SARKAR: On a point of privilege, Sir, in connection with question No. 120. The question itself was tabled by myself——

Mr. SPEAKER: Order, order. I am not going to allow any more discussion.

Mr. CHARU CHANDRA ROY: Sir, are not members entitled to stand on points of privilege?

Mr. SPEAKER: Certainly, and I never stood in their way of doing so.

Amendments to Bengal Legislative Assembly Procedure Rules.

Babu MADHUSUDAN SARKAR: Sir, I was not allowed to put supplementary questions——

Mr. SPEAKER: Order, order. Let us proceed to the next business. I think a point of order was raised, but before I go to the next business I would like to know what this point of order is, because I cannot give my ruling without hearing it. It would have been better if the Deputy Speaker had been here, but I think it may be stated shortly what this point of order was.

Dr. SYAMAPRASAD MOOKERJEE: Sir, the point of order which I raised yesterday is a very simple one. An amendment was moved by Sir Nazimuddin to the effect that the Chairman of the Select Committee to be appointed to consider the proposed rules of procedure shall be elected by the Committee itself. My point of order is that under rule 54(3) "the Minister in charge of the department to which a Bill relates shall, if he is a member of the Assembly, ordinarily be Chairman of the Committee". In the present instance, this sub-rule does not at all apply, nor did Sir Nazimuddin claim that it does apply because there is no Minister in charge of the department to which the Bill relates, namely, the Assembly itself. Sir Nazimuddin has admitted that there is no provision in the rules for the selection of such a Chairman. Therefore, Sir, the rule that applies in this case is rule 116, namely, "the Speaker may, by orders not inconsistent with these rules, provide for matters for which no provision is made and may give such directions as may be necessary for giving effect to these rules and such orders." Sir Nazimuddin himself admitted that there was no provision in the rules for the selection of Chairman of a Select Committee.

In the circumstances in which it was being thought that the House cannot by means of a resolution amend the rules, and what Sir Nazimuddin proposed to do would be nothing short of an amendment of the rules. For this reason the amendment is out of order and the matter should be left to you as Speaker under rule 116 and you may give such directions as you may consider fit and proper.

The Hon'ble Khwaja Sir NAZIMUDDIN: I maintain, Sir, that there is no rule existing at present which provides for a Chairman of a Select Committee when the amending rules are referred to the Select Committee, and as there is no rule the House has the inherent right to pass a resolution that so and so should be the Chairman of the Select Committee. I submit, Sir, that it is no amendment of the rules, because it would be an amendment if there was any provision either for or against it.

Mr. JOGESH CHANDRA GUPTA: Why should it not be left to the Speaker, Sir?

Mr. SPEAKER: That is a different matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I add just one word more? The Speaker will only come in if the House did not give any direction in this matter. Then, the question will arise, how is the Chairman going to be elected? It will not be necessary to raise such a question if the House accepts my amendment.

Dr. SYAMAPRASAD MOOKERJEE: May I just point out this in answer to what Sir Nazimuddin has said? Rule 116 is specific. It makes no reference to any direction which the House may give in respect of these rules. It says that the Speaker may by orders not inconsistent with these rules provide for matters for which there is no provision made in the rules. There is no question of direction being given.

Ruling on the Point of Order of Dr. Syamaprasad Mookerjee.

Mr. SPEAKER: The real point is this: whether in a matter where there is no specific provision in the rules the House can give a direction. Now, so far as I read rule 116 it appears clear to me that all residuary power has been vested in the Speaker, viz., where there is no provision, it is for the Speaker to make provision by orders not inconsistent with the rules. Now, it may be stated that as the very rules have been made by this House why then this House should not have the power to give direction. The answer to my mind appears to be clear, and it is this. Rules are made with certain formalities. They are binding and they cannot be altered by a mere resolution; for that will negative the very purpose of the rules. When there is a specific provision in the rules vesting all residuary power in the Speaker, I think that any resolution which wants to take away that power of the Speaker is *ultra vires*. If there had been a provision like this: "Subject to the directions of the House, the Speaker may by order not inconsistent with these rules provide for matters for which there is no provision made". The House could have given any direction at any time in exercise of the power thus reserved to it. In my opinion, therefore, the present motion is out of order.

The Hon'ble Khwaja Sir NAZIMUDDIN: My motion as amended by the House may be put to vote now.

The motion of the Hon'ble Khwaja Sir Nazimuddin that the proposed amendments be referred to a Select Committee, as amended by the House, namely, that the proposed amendments to the Bengal Legislative Assembly Procedure Rules be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tulsi Chandra Goswami,
(2) The Hon'ble Mr. K. Shahabuddin,
(3) Mr. Mukunda Behary Mullick,

(4) Khan Bahadur Mohammed Ali,
(5) Dr. Abdul Motaleb Malik,
(6) Mr. Fazlur Rahman (Dacca),
(7) Mr. A. F. Stark,
(8) Mr. Syed Jalaluddin Hashemy,
(9) Dr. Syamaprasad Mookerjee,
(10) Mr. Syed Badrudduja,
(11) Dr. Nalinaksha Sanyal,
(12) Rai Harendra Nath Chaudhuri,
(13) Mr. Abul Hossain Ahmed,
(14) Mr. Upendra Nath Edbar, and
(15) The Hon'ble Khwaja Sir Nazimuddin (the mover),

with instructions to submit their report by the 15th January, 1945, and tha the quorum of the Select Committee be fiixed at 5 was then put and division taken with the following result:—

AYES—69.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdus Shaheed, Maulvi Md.
Abul Fazl, Mr. Md.
Abul Hashim, Maulvi.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Birkmyre, Sir Henry, Bart.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Fazlur Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Gladding, Mr. D., C.I.E.
Golam Rabbani Ahammad, Maulvi.
Gomes, Mr. R. A.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh,
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Khan Sahib Maulvi Md.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulv
Kazem Ali Mirza, Sahibzada Kawan Ja Syed.
Kennedy, Mr. I. G.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nati
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Mozammel Huq, Maulvi Md.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknat M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary
Musharruff Hossain, the Hon'ble Nawa Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Si K.C.I.E.
Raikut, Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaj C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Stevenson, Mr. R. A. H.
Tamizuddin Khan, the Hon'ble Mr.
Thorman, Mr. C. M.
Walker, Mr. J. R.
Walker, Mr. W. A. M., C.B.E.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.
Zillur Rahman Shah Choudhury, Maul

NOES—36.

Abdul Hafiz, Mr. Mia.
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badruddoja, Mr. Syed.
Barma, Mr. Puspajit.
Barman, Mr. Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Chaudhuri, Rai Harendra Nath.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Fazlul Huq, Mr. A. K.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Majumdar, Mrs. Hemaprova.
Maqbul Hosrin, Mr.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Nandy, Maharaja Srischandra, of Cossimbazar.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Mr. Dhirendra Nath.
Shahedali, Mr.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.

The Ayes being 89 and the Noes 36, the motion was carried.

GOVERNMENT BILL.

The Bengal Finance Bill, 1944.

Dr. NALINAKSHA SANYAL: Mr Deputy Speaker, Sir, I was wondering what you would do with regard to the first motion of the Mayor of Calcutta, regarding which we submitted on the previous occasion that the question of the admissibility of this motion might be reconsidered.

Mr. DEPUTY SPEAKER: It was disallowed.

Dr. NALINAKSHA SANYAL: The disallowance was on the ground that the Governor did not assent to the earmarking of a portion of the revenue of the province in the manner suggested. I have looked up the Government of India Act——

Mr. DEPUTY SPEAKER: Are you on a point of order? You are not moving your motion?

Dr. NALINAKSHA SANYAL: I am first on a point of order regarding the first one disallowed. If you kindly read that portion you will find that this amendment only seeks to limit the application of this Act to the municipal limits of Calcutta on certain conditions. It does not earmark any revenue

Mr. DEPUTY SPEAKER: Dr Sanyal, you are not in order. The proposer of the amendment did not move it and as far as I remember he was not present here at that time. So your point of order does not arise.

Dr. NALINAKSHA SANYAL: Sir, the presence or absence of a member does not take away the authority or the regularity of an order of particular motion or motions. If after you declare it to be in order the motion is not moved, then the motion will drop automatically. The practice of the House has been that if a member is not present, with a short-notice amendment of the Party Whip, the Speaker has allowed other members to take up the matter. Here is an important amendment. The amendment does not propose to earmark any existing revenue of the province about which the Finance Department might have probably misguided the Governor, and it only seeks to limit the application of this Act to the municipal limits of Calcutta subject to certain conditions If there was any actual previous revenue which a particular motion was seeking to reserve or allocate for a particular purpose, then the Governor's sanction would surely be needed. But, Sir, in a matter like this I fail to understand how the Governor's

intervention comes in, particularly when it relates to limiting application to a particular place only under certain conditions. It is not a question of limiting the revenue; it is a question of limiting the application to an area.

Mr. DEPUTY SPEAKER: I quite follow you. I am sorry the Governor has refused consent. I cannot allow that discussion. You please move your motion No. 13.

Dr. NALINAKSHA SANYAL: I bow to your ruling. I moved on the previous occasion my motion that in clause 1(*3*), in line 2, for the figures "1948" the figures "1947" be substituted.

I need hardly speak again over this point after the elaborate explanation that I gave to the House for limiting the life of the present legislation even if the legislation is found necessary. I would like, Sir, to add only one word, namely, that we want every year, if not every year at least every two years, an opportunity to re-examine the position, but so far as my motion is concerned I have allowed two years to give a sufficiently long period to Government to examine the implications of a taxation measure as well as to parties who would be involved as a result of this taxation, and therefore I would not like to go beyond 1947. I do presume that by that time the present war will come to an end and we shall be in a position to review our entire finances and then see whether we are to continue this taxation or we would have to adopt any other comprehensive piece of legislation covering various fields of taxation as may be necessary in view of the financial circumstances of the province at the time.

With these words I move this motion and I hope the House will accept the motion without division.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I would only say one thing. I admit that the period of emergency cannot be a matter of meticulous computation, but as far as I have been able to calculate, we shall require at least three years to readjust our financial position. I do admit also that three years may be just as arbitrary as two years but at the same time it is our opinion that we should have this tax for the next three years.

The motion of Khan Bahadur Haji Badi Ahmed Chowdhury that in clause 1(*3*), line 2, for the figures "1948" the figures "1946" be substituted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 1(*3*), line 2, for the figures "1948" the figures "1947" be substituted was then put and lost.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 2(*1*), in the last line, after the word "accordingly" the words, figures and brackets "and no exemption from payment of this levy shall be allowed under section 8(*2*) of the said Act" be inserted.

Sir, this clause relates to the levy of amusement taxes and it has been provided in the main piece of that legislation that the Provincial Government has been given some powers to exempt certain parties in regard to payment of this tax under certain circumstances. There are also certain experiences in this regard. If the case of Government is that Government's finances are in a very bad way and Government require some amount of financial succour, then the question of exemption must be very carefully examined. I have come across some instances in which organisations and persons who are very competent to make a contribution to the coffers of the State have been allowed exemptions on grounds which are very difficult to understand. The Local Government may exempt certain organisations that carry on charitable or any beneficent activities and in order to assist

such charities may arrange amusement and sell tickets on account of the same. A provision in that regard has been made that if the total income or total earnings obtained from such charities reveal that the total expenditure involved is not more than 25 per cent. then Government allows such charity shows to be exempted from the operation of the amusement tax. I have no doubt that this is a very healthy practice and my suggestion that Government's power be curtailed in regard to section 8(2) will still leave ample powers in the hands of Government to exempt such *bona fide* cases when exemptions would be in the interest of the people and the public. But, Sir, Government have exempted all the military personnel including civil persons who have been vested with temporary military ranks because of their association with certain offices like the railways, port, and so on, and such persons get exempted from the tax although at the present moment their earnings have gone up and they are in a position to contribute to the State sufficient amount by way of such taxes. Canteens, where drums of whiskies are daily sold and consumed, where persons literally throw away money earned elsewhere, are exempted from taxation for shows that they hold

I submit that in these respects Government should have no power to provide exemptions With this intention, Sir, I want to limit the power of exemption from the operation of this taxation which is left in the hands of Government. I submit that vested with this power Government have on many occasions abused that power to exempt persons and organisations who are probably their favourites and they are also likely to take further measures of abuse of this character.

With these words, Sir, I commend my motion for acceptance of the House

Mr. DEPUTY SPEAKER: Dr Sanyal, your motion No. 16 is disallowed You move your motion No. 17

Dr. NALINAKSHA SANYAL: Sir, in moving my amendment No. 17 I am surprised to learn that my amendment, item No. 16, which sought to increase the tax on betting has been disallowed.

Mr. DEPUTY SPEAKER: Dr. Sanyal, you move your next motion.

Dr. NALINAKSHA SANYAL: Sir, in moving my motion, I submit that it is quite in the fitness of things that the present Finance Minister and the Chief Minister who entertain probably some love for the race field would be liking not to obtain the Governor's sanction in regard to this matter. Sir, the House knows very well how the public of Bengal feels, and I really am amused to find that while Government, on the one hand, wants to increase the revenues, on the other hand, when members of the Opposition are showing them the way properly to find out the avenues to increase their revenues, certain things are happening and they are bungling the matter. They have not even the courage to come to the Legislature.

Mr. DEPUTY SPEAKER: Dr. Sanyal, you move your motion first—item No 17.

Dr. NALINAKSHA SANYAL: Sir, I am moving with my observations. I will move my motion in my own way. I am not bound to move the motion in the beginning. I will do that at the end.

As you will notice, Sir, clause 2(2)(*b*)——

Khan Bahadur MOHAMMED ALI: Sir, on what motion he is speaking? Let him move his motion first and then he can speak.

Mr. DHIRENDRA NATH DATTA: You cannot dictate the manner and method of moving his motion to a member.

Khan Bahadur MOHAMMED ALI: He should follow the normal procedure.

Dr. NALINAKSHA SANYAL: Sir, clauses 2(2)(b) and (3)(b) seek to increase or seek to lay down the rate of taxation—for totalisator's taxation at ten per cent., and you know, Sir, that this House had expressed in the past——

Mr. DEPUTY SPEAKER: You are speaking on the amendment No. 16 which has been disallowed. Just move your motion first.

Dr. NALINAKSHA SANYAL: Sir, I have got to give a preface before moving my motion.

Mr. DEPUTY SPEAKER: You just move first and then start.

Dr. NALINAKSHA SANYAL: I can also move my motion later on. It is a matter dependent on my convenience.

Khan Bahadur MOHAMMED ALI: Sir, there must be a motion on which he must talk.

Dr. NALINAKSHA SANYAL: There is no such rule that I must first say that I am moving my motion. Mohammed Ali, don't try to teach your grandmother. I once said that to one of your bigger leaders.

Khan Bahadur MOHAMMED ALI: Are you my grandmother then?

Dr. NALINAKSHA SANYAL: You go and learn manners elsewhere.

Mr. DEPUTY SPEAKER: Dr. Sanyal, don't waste your time.

Dr. NALINAKSHA SANYAL: These two sub-clauses (2) and (3) relate to betting tax, and you will find elsewhere that we have tried to reduce the tax on electricity, particularly for relieving the domestic consumers, and it was only in the fitness of things that when we had to pass some legislation for greater income, we wanted to show to Government the way to obtain an increased income elsewhere. It would be in the public interest and still Government would not care to face the Legislature, and they have not the courage to put it before the House and they have taken recourse to back-door methods to cover and protect themselves.

Sir, I move my motion (item No. 17) that in clause 2(2), in lines 7 to 9, the words and figures beginning from "and the totalisator" and ending with "accordingly" be omitted.

Sir, a reference to the Act will show that these words are completely redundant and I submit that the retention of these words in addition to the present wording of the section as it now stands would make the whole section rather unintelligible or involved. I have some respect for the study of the English language of our friend, the Finance Minister, and I would request him to compare the original enactment, I mean the wordings of that enactment, and to that these proposed words, and find out whether the addition of these words improves the drafting or takes away the spirit or the lucidity of the draft.

With these words, I move item No. 17.

Mr. DEPUTY SPEAKER: Dr Sanyal, item No. 18 is disallowed. You move item No. 19.

Dr. NALINAKSHA SANYAL: Sir, about item No. 18 I find that it has also been disallowed. Item No. 16 has been disallowed where I wanted to increase the revenue obtainable from betting, and here also I find that the same back-door method has been taken recourse to and it has been disallowed.

With regard to item No. 19, Sir, I beg to move that in clause 2(3), lines 6 to 8, the words and figure "and the betting tax imposed under the said section 18 shall be charged, levied, and paid to the Provincial Government accordingly" be omitted.

I submit, Sir, that the addition of these words does not improve the drafting of the legislation and I have grave doubts if it would actually not make the whole section involved and lead to difficulties in future. Sir, I will just show after the prayer what the actual difficulties are.

Mr. DEPUTY SPEAKER: You just finish it first.

Dr. NALINAKSHA SANYAL: In that case I will require a few minutes more.

Mr. DEPUTY SPEAKER: Yes, you go on.

Dr. NALINAKSHA SANYAL: So far as this is concerned, you will be noticing that the language is "and the betting tax imposed under the said section 18 shall be charged, levied, and paid to the Provincial Government accordingly". The provision is that a certain machinery will be entrusted with the collection of the tax, and that machinery in Calcutta is the Turf Club

Mr. DEPUTY SPEAKER: How long you will take, Dr. Sanyal?

Dr. NALINAKSHA SANYAL: I have got to speak something about Turf Club regarding collection.

Mr. DEPUTY SPEAKER: Then you will speak after adjournment.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Dr. NALINAKSHA SANYAL: Sir, continuing my observations on amendment No. 19, I beg to invite your attention——

Sir, is there any quorum?

(As there was no quorum the bell was rung and after some time the quorum was present.)

Dr. NALINAKSHA SANYAL: Sir, continuing my argument I would invite your attention to section 15 of the Bengal Amusements Tax Act, 1922, to which this sub-clause 2(2) relates. The section reads thus: "15. There shall as from the second day of April, 1922, be charged, levied and paid to the Government of Bengal out of all monies paid into any totalisator by way of stakes or bets, a tax on backers, hereinafter referred to as the totalisator tax, amounting to four per cent of every sum so paid; and four per cent. of every sum so paid into a totalisator shall be deemed to have been paid by the backer on account of the totalisator tax, and shall be received by the stewards of the race-meeting on behalf of Government." Now, I would like the Hon'ble Minister in charge to read out to the House how this section would read after the proposed amendment is accepted by the House. I would myself try to give you the amended reading.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: May I say a word by way of explanation? If I am permitted, perhaps it will cut short the debate.

The words which the honourable member wishes to delete will not be added to the original Act. These words belong to the Bill that is before the House now. Therefore, there is no question of confusion. It is not an amendment of the Act from which he was reading. As I said, these very words belong to this particular Bill and will not affect the original Act to which there is a reference.

Dr. NALINAKSHA SANYAL: I cannot really follow. I am still in my haziness. I find section 2(*2*) says that in section 15 of the said Act (*a*) the words and figures "as from the second day of April, 1922," shall be deemed to be omitted, and (*b*) for the words "four per cent." in both places where they occur, the words "ten per cent." shall be deemed to be substituted, so that the main body of the Act is changed in two respects, viz., deletion of the words "as from the second day of April, 1922" and substitution of "ten per cent." in place of "four per cent." in the original Act. Both the Statement of Objects and Reasons as well as the wording make it perfectly clear that it is seeking to amend the Act. If this is a separate piece of Act then it is all right, but the latter part as is read here and the Totalisator Act, etc., give other impression where will they appear? They will not be in the Heavens. They will be part and parcel of the original Act or the original section of which this will be an amended form.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No, Sir. I am sorry to intervene. These words which the honourable member wishes to delete from the Bill will not form part of the Act which it seeks to amend in certain particulars. Two amendments have already been drawn attention to by the honourable member. Those are the only two amendments sought to be made in the original Act.

Dr. NALINAKSHA SANYAL: What will happen if these words do not appear? I find that these words do appear in the body of the Act itself. The words are—"There shall be charged, levied and paid to the Government of Bengal out of all monies paid into any totalisator by way of stakes or bets, a tax on backers, hereinafter referred to as the totalisator tax, etc., etc." These words are already existing and in addition to that in the present Act some words will be repeated. Either this is amending the original one or it is a redundant re-statement of a certain thing which is already there, and it is certainly an amendment of the original Act.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No.

Dr. NALINAKSHA SANYAL: Anyway, it is for the Government to decide. I am sure the poor Legislature of Bengal will be castigated by the High Court if they find and the lawyers find to their advantage certain things which in their judgment appear to be rather inconsistent with or redundant to the original provisions.

With these words, Sir, I beg to move my motion No 19.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose all the motions.

The motion of Dr. Nalinaksha Sanyal that in clause 2(*1*), in the last line, after the word "accordingly" the words, figures and brackets "and no exemption from payment of this levy shall be allowed under section 8(*2*) of the said Act" be inserted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 2(*2*), in lines 7 to 9, the words and figures beginning from "and the totalisator" and ending with "accordingly" be omitted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 2(*3*), lines 6 to 8, the words and figure "and the betting tax imposed under the said section 18 shall be charged, levied, and paid to the Provincial Government accordingly" be omitted, was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

Dr. NALINAKSHA SANYAL: I beg to move that in clause 3, in line 9, for the words "three annas" the words "two annas and six pies" be substituted.

Sir, it attention is drawn to the schedule of charges it will be noticed that an exemption has been provided to certain consumption of energy when the rate does not exceed 3 annas, i.e., when the net charge of licence for the supply of energy for lights and fans does not exceed 3 annas per unit of energy consumed.

Sir, we are now embarking on a policy of cheaper electricity and as it now stands, the Calcutta Electric Supply Corporation does not charge for the domestic consumption at a rate more than 2 annas 6 pies per unit (net) excluding rebate. I submit that there should be this privilege extended also when further reductions in the net charge shall be made. The Government's duty brings up the chargeable rate to the ordinary consumer to 3 annas when 2 annas 6 pies is the actual charge levied by the Government. This brings up the consumer's liability. It is contemplated that in the post-war period, if not in the immediate future, there would be further reductions and I would like, Sir, these reductions to go to the consumer direct and not taken advantage of by the Government when reduction would not enable the company to earn anything higher. But the consumer will not be benefited: money will go to the Government. That is a position which I consider extremely untenable. If the company, due to the revised examination of their income and expenditure is in a position to reduce consumers' charges, why should the Government come in and not allow the full benefit of their reduction to go to the consumer? That is why, Sir, I have in a very modest way suggested a reduction from three annas to two annas and six pies. I would have gone much below and I would have left it more or less indefinite, but with the modest suggestion I am making I believe I will get the sympathy and support of the entire section of the House and Government would be in a position to accept my amendment.

Sir, I beg also to move that in clause 3, in line 9, after the words "energy consumed" the words "and when the Provincial Government has set up a machinery for determining Standard Tariff" be inserted.

I submit, Sir, I have to explain this matter a little more in detail.

In connection with the examination of the reasonableness or otherwise of charges levied by electricity Supply Companies, including the Calcutta Electric Supply Corporation, Government had had in the past some embarrassment. I understand, Sir, that the Government of Bengal had taken some technical advice in this connection. You remember that in 1936 when the Corporation of Calcutta and the public of Calcutta represented to Government the desirability of having the then charges levied on the consumer reduced, a committee was appointed which was presided over by an eminent Judge of the Calcutta High Court, Sir Nalini Ranjan Chatterjee, and that committee recommended among other things a periodical review of the Standard Tariff. This was done with a view to enable the authorities to ascertain at stated intervals how far it was possible to provide electricity cheaper and cheaper in particular areas. I understand, Sir, that this matter has again come to the forefront because of the policy of nationalisation that the Government is examining. Some technical experts are reported to have submitted their opinion in this connection and they have recommended to Government the early setting up of a machinery for determining Standard Tariff. I submit, Sir, that when the Government of Bengal is seeking to impose this additional taxation on electricity, they should in all fairness simultaneously set up a machinery to examine the standard charges and get the tariff standardised. I feel that in this respect I am voicing the opinion not only of a large section of this House and of the public outside but I do feel that this is also consistent with the policy that the Government of Bengal have so far revealed or allowed us to know on the floor of the House and through their Press Notes and otherwise of standardising tariffs and reducing the cost of electricity for the consumers.

With these words, Sir, I move my amendment and I hope it will be accepted by the Hon'ble Minister.

The motion of Dr. Nalinaksha Sanyal that in clause 3, in line 9, for the words "three annas" the words "two annas and six pies" be substituted was then put and a division taken with the following result:—

AYES—47.

Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Barman, Mr. Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Dr. J. M.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Fazlul Huq, Mr. A. K.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Hashem Ali Khan, Khan Bahadur Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukerji, Mr. Dhirendra Narayan.
Mukherji, Dr. Sharat Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Tofel Ahmed Choudhury, Maulvi Haji.

NOES—72.

Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid Shah, Maulvi.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdur Rahman, Khan Bahadur A. F. M.
Abul Fazl, Mr. Md.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Ferguson, Mr. F. F. M.
Gladding, Mr. D., C.I.E.
Golam Rabbani Ahammad, Maulvi.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F., O.B.E.
Ispahani, Mr. M. A. H., M.B.E.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Leisk, Mr. John.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Rai Sahib Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Raikut, Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Stevenson, Mr. R. A. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. J. R.
Whitehead, Mr. R. B.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 47 and the Noes 72, the motion was lost.

The motion of Dr. Nalinaksha Sanyal that in clause 3, in line 9, after the words "energy consumed" the words "and when the Provincial Government has set up a machinery for determining Standard Tariff" be inserted was then put and lost.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

Mr. DEPUTY SPEAKER: Amendments Nos. 23 and 24 are disallowed.

Rai HARENDRA NATH CHAUDHURI: The amendments may be disallowed but we are entitled to speak on the clause.

Mr. DEPUTY SPEAKER: Yes, that you can.

Rai HARENDRA NATH CHAUDHURI: Sir, clause 5 runs as follows: "If the Bengal Finance Act, 1943, ceases to have effect before the commencement of this Act, this Act shall, notwithstanding the provisions of any other law, be deemed and taken to have effect as fully and effectually as if this Act had come into force before the date on which the Bengal Finance Act, 1943, ceased to have effect."

Sir, the Bengal Finance Act, 1943, cannot come to an end before the 12th of April, 1945. If that be so and when we are going to pass this Act tonight this clause will be absolutely redundant. That is my opposition to the clause itself.

Then, Sir, I come to amendment No. 25. I beg to move that in clause 5, line 5, for the word "before" the word "on" be substituted.

Sir, this is not an Act which is going to repeal the previous Act before the date of its expiry. If that is so, Sir, the present Act ought to take effect from the date on which the old Act expires and surely it is not intended to take effect before that date. Therefore, to avoid conflict between the old Act and the new Act that is going to be passed I propose that the word "before" be substituted by the word "on".

Dr. NALINAKSHA SANYAL: Sir, I also want to speak on this clause. Sir, I support the observations made by our esteemed friend Rai Harendra Nath Chaudhuri that not only this clause is redundant but I consider this to be mischievous. This clause is considered to be a contingent provision to cover obvious sins of omission and commission. Sir, it will lead to retrospective effect of a taxation measure which on grounds of principle I cannot but oppose. It acts on the people to take effect from a date before the Act comes into force, a thing which is unheard of and preposterous. I submit, Sir, that this kind of legislation should be completely discouraged.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I would like to say just one or two words in regard to the discussion on clause 5. Clause 5 is a merely safeguarding clause and cannot be considered as rendering the measure retrospective. We find, Sir, that all Bills relating to expiring Acts in the British Parliament have similar clauses and this is a necessary clause.

Then, Sir, as regards the amendment of my honourable friend Rai Harendra Nath Chaudhuri which seeks to substitute the word "on" for the word "before", I may point out that this *is* a repealing Bill. I need only draw the honourable member's attention to clause 4—the one-line clause which shows that it is a repealing Bill. Therefore, Sir, I cannot accept the honourable member's amendment.

The motion of Rai Harendra Nath Chaudhuri that in clause 5, line 5, for the word "before" the word "on" be substituted, was then put and lost.

The question that clause 5 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I beg to move that the Bengal Finance Bill, 1944, as settled in the Assembly, be passed.

Mr. SASANKA SEKHAR SANYAL: Mr. Deputy Speaker, Sir, you know that it is a well-known constitutional and parliamentary practice that the Opposition can oppose a Finance Bill not merely on the merits of the questions which are raised by the provisions of the Bill itself but also on grounds which are entirely extraneous to the Bill itself. (The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Question.)

Sir, the Hon'ble Finance Minister who is probably becoming a constitutional *pundit* by this time (Mr. SYED ABDUL MAJID: Not so great as you are!) forgetting his past has need to be educated that in a Finance Bill ——Mr. Deputy Speaker——

Mr. DEPUTY SPEAKER: Yes, go on.

Mr. SASANKA SEKHAR SANYAL: Sir, I am a humble parliamentarian. I always address the Chair and when the Chair is busy I stop. (Laughter.)

As I was saying, Sir, may I ask: Does the Hon'ble Finance Minister require to be educated in the elementary principles of parliamentary life that in a Finance Bill there are two questions, namely, as to whether the Bill is just and should be passed and the other and the more formidable question is whether the party which is seeking the money should be given the money?

Now, Sir, we propose to attack the motion of Government on both the grounds, namely, on the merits of the Bill itself We are not prepared to support the Government in this Bill, but on that matter, Sir, I will not take the time of the house, because through the various amendments that have been so ably and elaborately discussed on the floor of the House member after member, particularly Dr. Sanyal, has drawn the pointed attention of the House to the injustice of the case, to the inequity of the demand and to the untenability of the claim that there should be a grant.

I will take the House to the wider question, namely, that we are so dissatisfied with the present policy and pursuit of the Ministry in power that even if otherwise the Bill was not so objectionable we would have opposed the passage of this Bill. I propose to confine myself to observations on the general question of policy and pursuit of Government of the day.

Here again, I assure you that I will only incidentally deal with the ordinary administrative pitfalls of Government in relation to the extraordinary situation that has arisen in connection with food crisis, and I propose, Sir——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: On a point of order, Sir. May I point out that extraneous matters can be brought up in the discussion of a Finance Bill, when that Finance Bill is a comprehensive Finance Bill such as you have in the Central Assembly as the necessary counterpart of the Budget, but I do not suppose that it is parliamentary practice in the case of any sort of Finance Bill for honourable members to dilate on the general policy of Government?

Mr. SASANKA SEKHAR SANYAL: On principle, Sir, there is no difference; the difference suggested is without any distinction, because the principle is clear; whether it is a comprehensive Finance Bill or

whether it is a limited Finance Bill, the question is the same. The difficulty is that there is no definition of "comprehensive" in the parliamentary language of the country. Because it can never be comprehensive, it will be limited in scope. As you know, Sir, it is the practice in all legislatures including the Central legislature that when supplementary estimates are asked for even then the matter is open to discussion, debate and criticism on the general question of policy and programme of Government. As I have stated, Sir, there are always two factors, namely, the Bill as it is, its internal condition, and its merits and demerits, and there is the other factor no less important that Government which is going to ask for financial assistance—whether that is a Government which enjoys the confidence of the Opposition or not.

Sir, I was referring to the ordinary administrative pitfalls of Government, and I will deal with, first, the colossal failure of the present Government in dealing with the malaria situation of the province.

Sir, in the year 1944, it has been accepted as a patent truth and a truism that malaria is a preventible disease and all countries in which Government claims to be civilised have succeeded in virtually eradicating this preventible disease, but look at, Sir, the Lords of the Treasury Benches in this province. From one end of the province to another including even the Metropolitan city of Calcutta, malaria is stalking more rapidly than the ministerial occupants of the Treasury Benches. Sir, I want a straight answer to this question as to why the Ministry have failed to deal with this question and how far the situation will be allowed to drift before anything real and substantial is done. Sir, I am not referring to my own feeling and observation only. The Director of Public Health, Major Jafar, who is not a member of the Opposition, who is not interested in the Opposition Benches and whose voice is certainly a voice different from that of the Opposition—what has this responsible officer of the Health Department of Government himself stated? He has stated—I believe my friend Dr. Malik will bear me out—on the authority of his position in Bengal that more than 70 thousand people have died of malaria (Dr. ABDUL MOTALEB MALIK: In excess of average.). I stand, Sir, very gladly corrected by my friend Dr. Malik that the average death rate from malaria is beyond the average death rate of the province. The recent accumulation has been more than 70 thousand deaths in 1944. I think, Sir, it is a very good record and it is a matter for the Bengal Government to be proud of.

Then, Sir, coming to the question of the Civil Supplies Department, a large number of departments and then side-arms departments have been created. Even in the remotest village, we find that if there is no grain, at least there is a grain officer and that if there is no supply, there is at least a supply department. Sir, to add insult to injury which is stalking in the province, you will find that the Government has failed to ensure any supply of the essential requirements not only in the remote villages of the province, but also in the mufassal towns of Bengal and even in the suburbs of Calcutta. The people of Calcutta must thank their stars that somehow or other the benign Central Government took over their case; otherwise nobody knows what would have happened to this city of Calcutta also.

As regards the normal administrative affairs, I will give you one instance as to how the administration is carried on. I will quote to you one example from my district. In Lalgola recently—I want my friend Khan Bahadur Mohammed Ali to listen to me, because this is a matter in connection with which I have drawn his attention through a short-notice question (Khan Bahadur MOHAMMED ALI: I am all attention.)—in Lalgola, 84 persons have been appointed as special constables, only the other day. And do you know on what ground? On the ground that the number of burglaries is so large that the existing police is not

adequate to prevent burglaries. In 10 months the number of burglaries committed is as high as 47 in that union board as against 40 in the previous year. So, there has been an increase in the number by 7 and therefore the Superintendent of Police, Mr. Lewis, has appointed 84 persons as special constables. These include Hajis, aged 70 to 80, Bhattacharjis aged 60 to 70, Muslim Leaguers aged 20 to 30, Congressites aged 25 to 35. (Dr. ABDUL MOTALEB MALIK: How many Sanyals?) It is an absolutely cosmopolitan and non-communal assembly in which all religions, all castes, all sections, all communities and even all sexes are represented. When there was a representation made by the Lalgola people that the order was causing hardship, do you know what modification was made? A modification was made to this effect: "*XYZ*, so and so, if you feel that it is very tiring and hard on your part to keep up at night, you ask your wife and daughter to keep vigil and to inform you when there is any noise in the locality". So, Sir, both the sexes have also been roped in and this was done under rule 59 of the Defence of India Rules.

I wrote a letter to the Superintendent of Police, as to why this extraordinary measure was adopted. The reply that he gave was that "in England this is considered to be very honourable". I do not know—my English friends know better—and I do not claim to have any knowledge of England. Then the District Magistrate had to intervene. The District Magistrate, who is not a European, but an Indian I.C.S., was approached by me as also by the affected persons. He went to Lalgola and saw that people who could not walk even 20 yards without *lathi* were expected to keep law and order in darkness and in the night across the roads surrounded by *goondas* and these burglars. Now the District Magistrate could not stop this himself. I asked him "were you consulted"? He said "I was not consulted: I did not even know". He said that he came to know of it only when a copy of my letter addressed to the Superintendent of Police was forwarded to him. Then he took up the matter and asked the Superintendent of Police to stop the execution of the order. He asked the people not to do the police duty until final orders were received. Mr. Lewis is a European. He has made his recommendation to the Inspector-General of Police (Mr. Mannoch) who is a European and has supported Mr. Lewis. The District Magistrate's superior Mr. Hands, the Commissioner, is another European and has supported Mr. Lewis. So, the three Europeans have combined and I do not know how the Indian I.C.S. will fare. Probably he will also be appointed as a special constable.

Khan Bahadur MOHAMMED ALI: What is the harm? I am one.

Dr. NALINAKSHA SANYAL: Khan Bahadur Mohammed Ali, are you a special constable?

Khan Bahadur MOHAMMED ALI: Yes.

Dr. NALINAKSHA SANYAL: My respect for you goes down.

Mr. SASANKA SEKHAR SANYAL: I was giving this as an instance of the ordinary normal administration of law and order of this Government, which is claiming to have financial support from the country in respect of matters which were passed by the Governor in the absence of the legislature and in respect of which an extension till after the war is wanted.

Then, I come to the question of political prisoners. This is a sore point with us, but I hope the Hon'ble Mr. T. C. Goswami has by this time made a mental adjustment to this extent which has made it possible for him not to entertain those susceptibilities which at one time were probably his pride and his shame. It was a pride for him at that time and it is now a matter of shame. Now, Sir, with regard to this question of

political prisoners, we must speak out sternly and strongly. First is the question of release of prisoners particularly those who have been detained without trial.

Mr. DEPUTY SPEAKER: I doubt very much whether you can go into that.

Mr. SASANKA SEKHAR SANYAL: Please don't doubt.

Mr. DEPUTY SPEAKER: The House has accepted this Bill. It is now in the third reading stage. Please confine your observations to the third reading stage of the Bill now before the House.

Mr. SASANKA SEKHAR SANYAL: On these grounds, the House can reject the Bill. I assure you that I perfectly satisfied myself not only by consulting the constitutional parliamentary practice, but also after consulting parliamentary elders and I would not have accepted the responsiblity of speaking on this subject, unless I was sure that I was perfectly relevant in this matter.

Sir, coming to the question of prisoners detained without trial, when this Ministry assumed office, already the administrative machinery in this province, as in others has almost recovered from the little shock that it had received during and after the August disturbances and when this Ministry gave out a pledge for adopting the policy of release of prisoners, it did so on a real consideration of the actual situation that was in existence. Releases already began even in those provinces in which provincial autonomy was not functioning and the pace of those releases was quickened and enlarged. But what has been done here? In September, 1944, this is the position. According to the Central Government, the number of security prisoners in various provinces on September 1, 1944, is as follows:—

Madras	50	North-West Frontier Province ..	61
Bombay	343	Orissa	127
United Provinces	722	Sind	56
Bengal	1,281	Delhi	21
Central Province and Berar ..	136	Ajmer-Merwara	7
Assam	165	Baluchistan	Nil.

So, Sir, the highest that is in the United Provinces is only three digits, but here in Bengal it is well over four digits. Now, Sir, why should such a state of things be allowed to continue? We know that politics has its risks. When a nation is in revolt it must pay the price but we must also know that it is a recognised practice with all civilised Governments that just as there is bound to be arrests when the movement is afoot, similarly there is bound to be releases when the movement has subsided. As has been said by various leaders of political thought, political problems must be given a political treatment. If it was necessary for any Government to put into prison a large number of patriots when the August disturbances were on, it was also the duty of every Government, when the movement has subsided for a long time and there is no recurrence, to implement the obligations of release by quick paces. Sir, just think of the position of the leaders of Bengal, namely, Srijut Sarat Chandra Bose and Maulana Maniruzzaman Islamabadi. Sir, on the floor of the House we have got several very irritating answers even from my good friend, Khan Bahadur Mohammed Ali. The answers are that all these arrests have been made by the Central Government. We do not know what is our relation with the Central Government, but we know that Sarat Babu was living in a territory which was covered by the Bengal Government. We know that his son, Sisir, and other relations are also under the regime of the Bengal Government. We know that Maulana Maniruzzaman Islamabadi is a man of Bengal and a subject of the Bengal Government. Are we to

understand, Sir, that the Bengal Government has no hand in the matter of their arrests and detention? If so, are we to understand that the Bengal Government has no case to present to the India Government asking for their release in view of the abnormal economic condition in this country? After all, what the province requires today is effective leadership, and there is no doubt that Sarat Chandra Bose, that prince of patriots, is the undoubted leader of this province. There is no doubt that if the band of patriots, who are spending their days in the dark dungeons of the prison house were available to the province, some effective means or machinery could have been devised for improving and controlling the food situation which went out of the hands of the Bengal Government. It cannot be denied that if Bengal has to stand up, the manhood of the province, which has been kept in bondage must be released and made available for the service of the province. Then look at the condition of those unfortunate young men, who were clapped in the year 1940. Is there, to be no end of their detention? What stands between the release of the security prisoners and the Bengal Government? What prevents the Bengal Government from getting these men released? After all, we are yet to know that the Bengal Government and the Ministry is helpless although we find from the manner and method of their answers that the Bengal Government is playing more as the Secretariat to the Home Department than that the Home Department is the Secretariat of the Bengal Government. Sir, what is the nature of the answers given? Precious lives are rotting in jails, but when questions are brought regarding their allowance and conditions of health and other information, my good friend, Khan Bahadur Mohammed Ali, is handy to be profaned by the departmental laws by the expressions that such enquiry will require so much time and energy that that will not commensurate with the results obtained therefrom.

Khan Bahadur MOHAMMED ALI: Don't put omnibus questions.

Mr. SASANKA SEKHAR SANYAL: Well, Sir, the questions are never omnibus. When young men, leaders of society, are in jail, when they have sown the seeds of which the fruits are being harvested by the people over there, no Government is worth its salt, no popular representative, however high his present position may be, is worth his salt, unless he spends the necessary time and energy for the ascertainment of the necessary information and making them available to the House.

Khan Bahadur MOHAMMED ALI: That is done.

Mr. SASANKA SEKHAR SANYAL: Yes, that is done in a very unsatisfactory and niggardly manner and in a very step-motherly fashion, I should say. From the nature of the answers that are given by Khan Bahadur Mohammed Ali, I believe he also feels that these answers are given grudgingly and reluctantly as if some business on the agenda has got to be got rid of in a——

Khan Bahadur MOHAMMED ALI: That is not correct.

Mr. SASANKA SEKHAR SANYAL: I shall be glad if that is not correct, but I assure my good friend, Khan Bahadur Mohammed Ali, that although we have appreciated his anxiety to give us as much information as possible, still his hands are fettered by persons behind the scene and his tongue is tied by the ropes that are known to us.

Sir, look at these people; they are rotting in jail from 1940. Their families, after all, are families of human beings. If the Hon'ble Mr. Tulsi Chandra Goswami has got his own family he ought to know that these prisoners have got their own families. They have got the same feelings and susceptibilities; they have got the same necessity. They are neither gods nor lower animals. They are as much human beings as

we are, and their continued privation for more than four years at a time when the province is passing through an acute penury is, I should say, to say the least of it, very unkind and very pathetic. Then with regard to the allowance why shall we give money and sanction financial estimates? Our comrades who are the breath of our being, the marrow of our body and who are the soul of our mind, are starving and their families are starving. The Khan Bahadur says that the Government gives them pittance with a liberal policy; when a man used to earn a hundred rupees before war time which income probably would have been Rs. 500, now on account of the inflation, he is happy to say that he has been given Rs. 25 as a result of the liberal policy of Government. Therefore, on behalf of the Opposition, we want to make it clear that we are not a party to this Financial Bill, because the Government has failed to satisfy the public of this province on account of their imperfect rationing arrangement, on account of their imbecile administrative machinery and on account of the bankruptcy and reactionary character of their political approach to the question of security prisoners. Therefore, Sir, we oppose the passage of this Bill.

Mr. JOGESH CHANDRA GUPTA: Mr. Deputy Speaker, I shall be failing in my duty towards my constituency, if I do not draw the attention of the Government to the fact that Calcutta Corporation ought to have got a fair share of the taxation which this Finance Bill is contemplating to raise. Sir, the position of the Calcutta Corporation and the rate-payers of Calcutta is too well-known. We know the bad roads, we know the insanitary condition of the people residing in Calcutta. We know that the *bustees* are nothing short of insanitary death traps, but we also know that the consolidated rate according to the Act has been fully levied and the rate-payers of Calcutta are paying the rull rate. In spite of that the rate-payers have got to provide amenities for the extra population that has been dumped, if I may say so, in Calcutta. Under these circumstances I think the Treasury Benches will readily recognise that the most part of the tax which will be raised out of Calcutta, the Calcutta Corporation has a legitimate claim to a share of it. There were amendments tabled, but according to the rules those amendments could not be moved.

There is also the other point to be considered. We know that we have been clamouring for cheap electricity for domestic use for development of the industrial resources of this province, but we have not been able to make any headway on these lines. The nationalisation of electrical undertakings, provision of cheap electricity are not at all present in the minds of the Treasury Benches, we are very sorry to say. My friend, Mr. Sasanka Sekhar Sanyal has drawn attention to the political sufferers. I will only add one word. The House knows that after the decision of the Federal Court, a new ordinance was passed providing for periodical reviews. May I tell you, Sir, that that provision has never been followed? Periodical reviews are made in the papers, stereotyped printed notices are issued on the expiry of six months, but I can make bold to say that the real work which was intended according even to this new ordinance is not being performed by the Bengal Government. Detenus behind the prison bar have been submitting their explanations, they have been asking for clarification of some of the points which are communicated to them in cryptic language, all through Special Department of C.I.D. officers, but all those are unheeded. They are without any remedy. We know that apart from the people of Bengal, the whole civilised world is agitated over the question of treatment that is meted out to those who are kept behind the prison bar without trial, and, may I also add, without any justification whatsoever. I would ask the Government to consider and perform their duties towards these security prisoners as best as was intended by their ordinance.. We also

know that a class of prisoners have resorted to hunger-strike. The necessities and the requirements of prisoners who are detained are never met and they are not even considered.

Sir, I would like to draw attention to these three points, namely, regarding the claim of Calcutta to a share of the tax—substantial share, I should say—that is being raised, the claim of nationalisation of electricity and electrical undertakings and the claim for bare justice to the security prisoners; these are things which cannot be overlooked in this way for a very long time. There is no question of any Finance Bill being passed on the third reading until and unless the Treasury Benches are prepared to give a satisfactory assurance on these points. Unless that is forthcoming I would ask the House to reject the Finance Bill.

Mr. Giasuddin Ahmed rose to speak.

Mr. DEPUTY SPEAKER: I think the Hon'ble Finance Minister will now reply.

Mr. SASANKA SEKHAR SANYAL: There are other members who will speak. Please do not gag the Opposition.

Mr. DEPUTY SPEAKER: On the last occasion when the Finance Sales Tax Amendment Bill was discussed the general practice was that the leaders of different parties spoke. Even only the other day from the Opposition Mr. Santosh Kumar Basu and Mr. Shamsuddin Ahmed spoke and on behalf of the Government Mr. Abdur Rahman Siddiqi spoke. Let me not go beyond that precedent that has already been created. The matter has been sufficiently discussed and I will close this matter. I will ask the Hon'ble Finance Minister to wind up the debate.

Mr. SHAMSUDDIN AHMED: Mr. Deputy Speaker, Sir, Mr. Sanyal and Mr. Gupta have already spoken on this Bill. Sir, we do not know why the Bengal Government has brought in this Bill, what they will do with this money. Extra money has been received by all those concerned in the Treasury Benches, but what will they do with this money, that is the question. My friend, Mr. Sanyal, has already raised several questions and he has himself also answered. The bungling of the administration in all its spheres is well-known to everyone. (Cries of "oh, oh" from the Coalition Benches.) It may not be known to those who have got contracts, but I say, Sir, that finances are necessary for better administration. Finances are necessary for the efficient administration of the country. But finances are necessary not to enhance either the prestige or to maladminister the administration. I know, Sir, this is not the time of budget discussion, but even then as it is a Finance Bill, we have got every liberty to attack the administration in all its details.

Now, I do not know what my friend Mr. Goswami, the erstwhile Congressman, the erstwhile Swarajist leader will say. Every time we found Mr. Goswami rising up and attacking either the League Party or any party that was in power administering the province.

Sir, my friend Mr. Goswami has very conveniently brought in this Bill possibly not to incur the displeasure of Sir Nazimuddin and the administration to which he is a party. He had to bring in this Bill. Now, Sir, what is the object of this Bill. The object of this Bill is to extend up to the 31st March, 1948, the operation of the enhanced rate introduced by the Bengal Finance Act, 1943, in respect of the following taxes:—Entertainments Tax leviable under section 3 of the Bengal Amusements Tax Act; Totalisator Tax leviable under section 15 of the said Act; Betting Tax leviable under section 18 of the said Act; and Electricity Duty leviable under section 3 of the Bengal Electricity Duty Act.

Sir, I shall take only one item of the administration—the administration of the department over which Sir Nazimuddin presides, namely, the Police Department. Only the other day, Sir, questions were asked as to why Maulana Maniruzzaman Islamabadi was arrested, whether the Bengal Government knows anything about him, whether the Bengal Government cares to know anything about him, whether the Bengal Government has up till now got any information about his whereabouts—where he is kept, how he is kept and so on, but no answers could be given to those questions. I do not know what Sir Nazimuddin thinks or what is in Sir Nazimuddin's mind, because what is called in Bengali, there is no *balai*. Sir Nazimuddin has not suffered at any time; he has always enjoyed. I remember, Sir, that in the year 1930, when Sir Nazimuddin was a Minister and we all resigned from the Legislature and joined the non-co-operation movement and the salt campaign inaugurated by Mahatma Gandhi, Sir Nazimuddin then administered the province and sent all of us to jail. We were in jail and then at the London Round Table Conferences India's fate was being decided.

Khan Bahadur MOHAMMED ALI: Was he the Home Minister then?

Mr. M. SHAMSUDDIN AHMED: He was a limb of the administration—which limb I do not know. (Laughter.) Then, Sir, what was done in the Round Table Conferences? Indians of all shades of opinion were invited and they went there and some decision was arrived at. It was called MacDonald's award. We got something. Now, Sir, it was due to the brave sufferers of the country, to the fighters for freedom, to the people who went to jail, to the many who went to jail and suffered imprisonment that this little Provincial Autonomy has come. My friends are laughing. Why? I again say, Sir, that Sir Nazimuddin never thought how the men rotting inside the prison bars felt, how the men who have been detained without trial were feeling. He is not worried at all by the suffering of the families of the men who are behind the prison bars. If he had felt that he would certainly have taken some information about Maniruzzaman Islamabadi, a man aged about 15 years older than himself.

Mr. Deputy Speaker, Sir, that is why I was saying that the bungling of the administration knows no bounds—the administration over the finances of which my honourable friend, the present Finance Minister Mr. Goswami, an ex-Congressman presides. Who in Bengal—I ask—would be ready to ask the tax-payers to pay taxes for this sort of administration which has bungled in all its phases? My friend Mr. Sasanka Sekhar Sanyal has spoken about all the departments and I was referring to only one department, namely, the Police Department. I repeat, Sir, that Sir Nazimuddin has always enjoyed. As one of my friends yesterday or day before was saying, Sir Nazimuddin never had any *balai*, no sacrifice nothing at all. He has now raised the cry of "Islam is in danger". He is saying "Don't yield whatever the *congresswallas* may say. Don't care what Gandhi says. Don't care a tuppence what sort of administration it is if *Swaraj* is to come to this country. Don't care what Englishmen and Americans say". They think about the Atlantic Charter. They go to Casablanca, they go to Cairo, they go to Teharan, they speak of all other things, but when you talk of the freedom of Indians there is the *balai*. Freedom of India does not count; it is just a domestic concern, and they talk of *Pakistan*. My friends of the Muslim League talk of *Pakistan*, and the leader of *Pakistan*, our friend Sir Nazimuddin, a few days ago talked of *Pakistan* in Gaya. That is the reason, Sir, why I say that in all the departments over which these estimable gentlemen preside, they are maladministering the province. We, on this side of the House, cannot ask our countrymen to pay one single farthing to this administration so long as this system continues.

Sir, I do not want to take any more time of the House. We cannot agree to this sort of Finance Bill at this time, when the people in this province are suffering from all sorts of privations, when people are suffering from want of quinine, when malaria is ravaging the land. Already my friend Dr. Malik has told us that much in excess of 70 thousand people have died of malaria. This is a heavy toll for people of this country. Last year's famine had ravaged this land; people cannot resist either physically or otherwise. The administration does not think of the health of the country or of anything which would conduce to the betterment of the people of this country and so we on this side of the House are not prepared to pay anything so far as the finances of this administration are concerned.

With these words, Sir, I oppose this Bill.

The motion of the Hon'ble Mr. Tulsi Chandra Goswami that the Bengal Finance Bill, 1944, as settled in the Assembly be passed was then put and a division taken with the following result:—

AYES—64.

Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid Shah, Maulvi.
Abdul Majid, Mr. Syed (Noakhali).
Abdur Rahman, Khan Bahadur A. F. M.
Abul Fazl, Mr. Md.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Ferguson, Mr. F. F. M.
Gladding, Mr. D., C.I.E.
Golam Rabbani Ahammad, Maulvi.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F., O.B.E.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Leisk, Mr. John.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Rai Sahib Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Whitehead, Mr. R. B.
Zahur Ahmed Choudhury, Maulvi.

NOES—42.

Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Barman, Mr. Upendra Nath.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Dr. J. M.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nisnitha Nath.
Majumdar, Mrs. Hemaprova.

Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

The Ayes being 64 and the Noes 42, the motion was carried.

Adjournment.

The House was then adjourned at 7·50 p.m., till 4 p.m., on Thursday, the 14th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 14th December, 1944, at 4 p.m.

Present:

Mr. Deputy Speaker (Mr. SYED JALALUDDIN HASHEMY) in the Chair, 11 Hon'ble Ministers and 180 members.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Want of Court Room for District Magistrate, Dinajpur.

59. Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether it is a fact—

(*a*) that the District Magistrate of Dinajpur has no *Ijlas* (Court Room);

(*b*) that he takes up and disposes judicial matters in his Chamber;

(*c*) that this practice of hearing judicial matter is causing immense inconvenience and hardship to the lawyers and litigant public who have no free access to his room;

(*d*) that the lawyers have to wait outside, where there is no proper sitting arrangement, for indefinite time and have to come back without disposing of their business;

(*e*) that cards have to be sent to the District Magistrate in his Chamber by the lawyers when they come for judicial matters and no intimation is given for hours together to them as to whether the case will be taken up or not and they have to wait for nothing;

(*f*) that no time is fixed specially for judicial works; and

(*g*) that when the lawyers are called, his Chamber often times is full of others who come to him for sundry business?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes, his *Ijlas* is being used as the office of the Deputy Director of Civil Supplies.

(*b*) Yes, he disposes of his office files and takes up judicial matters in a separate big room of his office.

(*c*) No such complaint has been received.

(*d*) There is sitting arrangement outside the room for lawyers and others who come on business. It is not a fact that lawyers have to wait for indefinite periods and to go away without disposing of their business.

(*e*) The District Magistrate has passed no orders for sending cards to him but lawyers and others sometimes send in cards when the District Magistrate is otherwise busy. Cases are called when the District Magistrate is ready to hear them.

(*f*) It is not possible to fix particular hours exclusively for judicial work as the District Magistrate has got to attend to other urgent matters. But the District Magistrate generally takes up the judicial matters in the early part of office hours.

(*g*) It is not understood what is meant. It may be that those who come for business may tarry there till judicial proceedings are finished. The District Magistrate cannot prevent the public from attending judicial proceedings.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how does he reconcile his two answers, namely, that it is not possible to fix particular hours exclusively for judicial work, etc., etc., and that it is not a fact that lawyers have to wait for indefinite periods and to go away without disposing of their cases?

Mr. SYED ABDUL MAJID: If the honourable member reads the answer (*f*), he will find that the District Magistrate generally takes up judicial work in the early part of office hours. Therefore the lawyers have not got to wait for indefinite periods.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given, does the Hon'ble Minister think it desirable that when the District Magistrate has to dispose of judicial business it is better to direct that he fixes a certain time?

Mr. SYED ABDUL MAJID: The matter will be considered.

Mr. NISHITHA NATH KUNDU: Do we take it that lawyers have not to send cards for meeting the District Magistrate for judicial work?

Mr. SYED ABDUL MAJID: No, there is no such rule or circular and no arrangement for the lawyers for sending their cards to the District Magistrate when they come for judicial business.

Want of Room for Sub-Judge's Court at Dinajpur.

60. **Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that there are three Courts, viz., the Courts of the District Judge, the Additional District Judge and the Subordinate Judge at Dinajpur;

(*ii*) that there are only two *Ijlasses* (Court Rooms) for these three Judges;

(*iii*) that when the three Courts are present at Dinajpur the Subordinate Judge holds his Court either in the verandah or in a room used by the copyists of the Judge's Court; and

(*iv*) that this causes inconvenience to the Subordinate Judge, the lawyers and dislocation of the office work?

(*b*) Is the Hon'ble Minister considering the desirability of erecting one more *Ijlas* for the Subordinate Judge?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*)(*i*) and (*ii*) Yes.

(*iii*) Not in the verandah but in the room ordinarily used by the copyists.

(*iv*) It causes some inconvenience to all concerned.

(*b*) No. All new building works unless emergent have been dropped during the period of the war.

Mr. NISHITHA NATH KUNDU: In view of the difficulty not only of the lawyers but of the judges in disposing of business for want of a room for the Sub-Judge's Court at Dinajpur, does the Hon'ble Minister think it desirable to see if it is possible to erect and construct one more *ijlass* for the Subordinate Judge?

Mr. SYED ABDUL MAJID: At present it is not possible to undertake any new construction. The work is somehow being carried on. Of course there is some difficulty for all concerned.

Mr. SASANKA SEKHAR SANYAL: In view of the answer just now given that it is not possible to undertake any new construction at present, will the Government be pleased to consider the desirability of suspending judicial work in this district?

Mr. SYED ABDUL MAJID: No. Judicial work is being carried on without any prejudice to the parties by the Additional District Judge or the Subordinate Judge or the District Judge whoever he may be.

Publication of Government advertisements in local dailies.

61. Mr. DHANANJOY ROY: (*a*) Will the Hon'ble Minister in charge of the Publicity Department be pleased to state—

(*i*) whether notices for tenders invited from the Revenue Department (Famine Relief), Government of Bengal, regarding supply of cotton *chaddars* and children's garments, blankets, etc., during the months of October and November, 1944, have been published in the leading Bengali dailies, viz., *Ananda Bazar* and *Jugantar* and English dailies *Amrita Bazar Patrika* and *Hindusthan Standard;*

(*ii*) if not, the reasons therefor; and

(*iii*) in which papers these were published?

(*b*) Is it a fact that many important notices of appointments, tenders, etc., of Bengal Government are not published in the leading Bengali dailies, viz., *Ananda Bazar Patrika* and *Jugantar* and English dailies *Amrita Bazar Patrika* and *Hindusthan Standard?*

The Hon'ble Mr. PULIN BEHARY MULLICK: (*a*) (*i*) Three advertisements were issued. Of these two were published in the *Hindusthan Standard*, in addition to other papers; one was published in the *Amrita Bazar Patrika* in addition to other papers and one was published in papers other than the *Hindusthan Standard* and the *Amrita Bazar Patrika*. These notices were not published in the *Ananda Bazar Patrika* and *Jugantar*.

(*ii*) As the date of submission of the tenders was short, the advertisements were issued only to those papers which could publish them in time.

(*iii*) The advertisement relating to cotton blankets was published in the *Statesman*, *Star of India*, *Morning News*, *Hindusthan Standard* and *Amrita Bazar Patrika*. The advertisement relating to children's garment was published in the *Statesman*, *Hindusthan Standard*, *Star of India* and *Morning News*. The advertisement relating to *chaddars* was published in *Advance*, *Morning News*, *Star of India* and *Azad*.

(*b*) No.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*iii*), will the Hon'ble Minister be pleased to state whether the excluded papers were invited to submit tenders and signified their inability to pay the same in time?

Mr. BANKU BEHARY MANDAL: Yes, tenders were invited.

Mr. DHIRENDRA NATH DATTA: Is it not a fact that the *Ananda Bazar Patrika* has got the widest publication in this province?

Mr. BANKU BEHARY MANDAL: Yes.

Mr. DHIRENDRA NATH DATTA: And next comes *Jugantar*?

Mr. BANKU BEHARY MANDAL: Yes.

Declaration of Eastern Zone as free-trade area and non-co-operating attitude of some provinces.

62. Mr. DHIRENDRA NATH SEN: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether any steps have been taken by Government—

(*a*) to meet the non-co-operating attitude of the neighbouring provinces regarding supply of foodgrains in Bengal following the declaration by the Government of India of Eastern Zone as a free-trade area; and

(b) to impress on these neighbouring provinces their obligation in the matter of feeding a large number of people belonging to those provinces, being allowed to earn their livelihood in Bengal, especially in Calcutta and industrial centres, including collieries and tea gardens?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): As free trade between the provinces has been stopped the points raised on this question do not arise.

Price of rice in Jessore and Khulna during June, 1943.

63. Mr. ASHUTOSH LAHIRY: (a) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether he has seen the statement issued on behalf of Directorate of Civil Supply on the 17th June, last (1943) stating that the price of rice has fallen by Rs.10 in Khulna and by Rs.7 in Jessore?

(b) If so, will the Hon'ble Minister be pleased to state whether the said fall in price has occurred in—

(i) Khulna and Jessore towns, or

(ii) in the village areas of these two districts?

(c) If the fall has occurred in the case of (b)(ii), will the Hon'ble Minister be pleased to state the names of the villages or unions in these two districts where such fall in prices has taken place?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes.

(b)(i) In Jessore town and Bagerhat town.

(ii) There was a general fall in prices in rural areas also though not to the same extent as at (i).

(c) Does not arise.

Stocking of rice in Munshiganj, Dacca.

64. Mr. DHANANJOY ROY: (a) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(i) that the Subdivisional Officer, Munshiganj, in the district of Dacca, seized and stocked any rice and paddy within his jurisdiction; and

(ii) that at the time of seizure the subdivision as a whole was in acute distress?

(b) If so, will the Hon'ble Minister be pleased to state whether it is a fact that the stock was not released when there was an acute scarcity in market?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) About 100 maunds of rice and paddy were seized during the acute period of crisis, i.e., from August to October, 1943. In addition, 33,000 maunds of rice and paddy were purchased in July, 1943, by the Foodgrains Purchasing Officer, under written contract with the merchants.

(b) The entire amount excepting about 500 maunds which were kept as a reserve, was released to Union Food Committees, Gruel Kitchens and relief institutions at controlled rates to help the subdivision to tide over the crisis.

Mr. ATUL CHANDRA SEN: With reference to answer (a), will the Hon'ble Minister be pleased to state whether this quantity of grains, 33,000 maunds, was stocked at Kamalaghat Bandar, which was recently gutted by fire?

The Hon'ble Mr. H. S. SUHRAWARDY: God knows, Sir. This was in July, 1943, and everything of this was spent before the fire.

Selling of some essential commodities in black market by licensed shopkeepers in Magura subdivision.

65. Mr. A. M. A. Zaman: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state what action the Government proposes to take against licensed shopkeepers selling articles in the black market?

(*b*) Is it a fact—

(*i*) that shopkeepers of the Lohagara police-station in Magura subdivision in the district of Jessore hold licence for selling quinine, kerosene and sugar at control price; and

(*ii*) that they sell the said articles in the black market?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken or is proposed to be taken, in the matter?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) how many times the supply officers visited the licensed shops in Lohagara police-station during the last 1 year;

(*ii*) the result and nature of inspection;

(*iii*) date of each inspection; and

(*iv*) the name of the shopkeepers whose shops were visited?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Their licences are cancelled, their stocks are requisitioned and prosecutions are launched.

(*b*) (*i*) Some shopkeepers hold licences for selling sugar and one chemist at Lohagara holds a permit for retail sale of quinine. There is no licensed dealer in kerosene.

(*ii*) One case of black marketing was detected and some cases are under enquiry.

(*c*) The licence of the sugar dealer who was detected selling sugar in black market has been cancelled; he has been debarred from getting licence in future; his stock of sugar has been requisitioned.

(*d*) (*i*) From January, 1943, to December, 1943, the Supply Officer visited the controlled shops in Lohagara police-station, 64 times.

(*ii*) In course of inspection, he checked the receipts and disposals of stocks and tried to detect black marketing. One case of black marketing as referred to in the reply to part (*c*) of the question was detected.

(*iii*) and (*iv*) Not readily available without an amount of research incommensurate with the value of the data so obtainable.

Complaint regarding supply of foodstuffs to security prisoners at Dum Dum Central Jail.

66. Dr. NALINAKSHA SANYAL: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) whether Government have received any complaint regarding the charging of exorbitant prices for foodstuffs and other necessaries supplied to security prisoners, specially at Dum Dum Central Jail; and

(*ii*) whether his attention was invited at a conference of Party leaders and others held in his room in the Writers' Buildings on the 19th November, 1943, to the continuance of the practice of charging prices much higher than the then controlled prices for rice, *atta*, sugar, etc., by the Dum Dum Central Jail authorities from security prisoners lodged there?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) what action, if any, has been taken to make proper enquiries into the allegations:

(ii) what steps, if any, have been taken against the persons responsible for the levy of such exorbitant prices contrary to Government orders; and

(iii) what measures are taken to ensure that prisoners may not be charged prices higher than controlled prices for articles supplied to them?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes.

(b (i) and (ii) Enquiries were made and it was ascertained that at the time when the charges, complained of, were made, the Departmental Rule was that security prisoners supplied with dietary articles from jail stocks should be charged at the rate at which the Jail Department actually paid for the stocks. As the action of the jail authorities was *bona fide* and in accordance with the Departmental Rule on the subject, no action was taken against the officers concerned.

(iii) Revised instructions have been issued that prisoners will be charged at the rate actually paid by the Jail Department or the statutory ceiling price whichever is less.

Mr. SASANKA SEKHAR SANYAL: In view of the fact that the security prisoners were charged extra through *bona fide* mistakes, as we are told, has the Government considered the question of refunding the extra charge or of rendering equivalent benefits to the prisoners?

The Hon'ble Mr. H. S. SUHRAWARDY: I shall consider this.

Mr. SASANKA SEKHAR SANYAL: In view of the fact that Government proposes not to take any action on the ground of *bona fide* mistake, will the Hon'ble Minister be pleased to state whether any lawyer of Government has been consulted in this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: What for?

Mr. SASANKA SEKHAR SANYAL: Whether action should be taken or not.

The Hon'ble Mr. H. S. SUHRAWARDY: We have decided not to take any action.

Mr. SASANKA SEKHAR SANYAL: Is it also the policy of Government that when there are *bona fide* mistakes even in contravention of the Defence of India Rules, no prosecution will be launched against Government officers?

The Hon'ble Mr. H. S. SUHRAWARDY: If there is a *bona fide* mistake the officers of Government are protected.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether this *bona fide* mistake extends to non-officials also?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes; when there is a *bona fide* mistake it is taken into consideration.

Mr. SASANKA SEKHAR SANYAL: In view of the last two answers, will the Hon'ble Minister consider the desirability of circulating this policy of Government in order to avoid unnecessary prosecutions and persecutions in this province?

The Hon'ble Mr. H. S. SUHRAWARDY: I know that unnecessary prosecutions have been avoided.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state why the security prisoners in question were not allowed to make their purchases direct from the market at controlled rates?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know.

STARRED QUESTIONS

(to which oral answers were given)

Medical treatment of certain security prisoners.

*130. **Mr. SATYAPRIYA BANERJEE:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that Sj. Brojendra Chandra Ray of Mymensingh, now a security prisoner in Dum Dum Central Jail, was transferred from Hijli in November, 1941, to Calcutta for proper treatment of his eyes; and

(*ii*) that his left eye has become completely blind and his right eye has also been affected?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what arrangement, if any, has been made for proper treatment of his eyes in the Medical College?

(*c*) If no arrangement has yet been made in the Medical College, is the Hon'ble Minister considering the desirability of releasing him so that he can make proper arrangements for treatment of his eyes?

(*d*) Is the Hon'ble Minister aware—

(*i*) that Suren Sarkar, a security prisoner in Dum Dum Central Jail, who has been suffering from tuberculosis of the lungs, applied to the Government on the 26th January, 1943, for better treatment of this fell disease or for release if the Government were not prepared to arrange for his better treatment; and

(*ii*) that no reply has yet been received by the petitioner in the matter?

(*e*) If the answer to (*d*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) making arrangements for his treatment in a tuberculosis sanatorium; or

(*ii*) releasing him forthwith so that he can make arrangements for his treatment without any further delay?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) Yes.

(*ii*) His left eye still retains 6/60 vision; his right eye has a mild affection of choroiditis, but it retains useful vision which has improved up to 6/9 with the glasses prescribed by the visiting eye-specialist of the Jail.

(*b*) His eyes were examined and glasses prescribed by the Medical College.

(*c*) Does not arise.

(*d*) and (*e*) The security prisoner was released in February last.

Representation by security prisoners from Rajshahi Central Jail.

*131. **Mr. SATYAPRIYA BANERJEE:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to the representation by the security prisoners from the Rajshahi Central Jail bearing the date 30th December, 1943?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that the representation contains allegations of *lathi* charges on the security prisoners and assault on the security prisoner Sj. Priya Ranjan Das Gupta inflicting wounds in several parts of his body on the 29th December, 1943;

(*ii*) that Priyaranjan Babu was medically examined by the Jail doctor after the assault and by the Civil Surgeon at the instance of the District Magistrate later on;

(*iii*) that the local vernacular weekly *Hindu Ranjika* made comments in its editorial column with regard to the *lathi* charge and assault referred to in (*b*) (*i*);

(*iv*) that immediately after the incident on 29th December, 1943, special non-official visitors visited the jail on 31st December, 1943, and 1st January, 1944, and submitted their report on the incident on 1st January, 1944, in the visitors' book;

(*v*) that the District Magistrate also held an enquiry into the incident and submitted a report to the Government;

(*vi*) that in the identification parade held by the District Magistrate during the course of his enquiry identical persons were identified by the security prisoners; and

(*vii*) that the Deputy Inspector-General of Prisons also held an enquiry into the incident on 29th December, 1943?

(*c*) If the answer to (*b*) (*vii*) is in the affirmative, will the Hon'ble Minister be pleased to state the circumstances which led to the enquiry by the Deputy Inspector-General after the District Magistrate had made a thorough enquiry and reported thereon to the Government?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that during the course of the enquiry by the Deputy Inspector-General of Prisons, he began to take a statement from Sj. Priya Ranjan Das Gupta, the assaulted security prisoner; and

(*ii*) that he refused to proceed with his statement, as the Deputy Inspector-General told him that he (i.e., the Deputy Inspector-General) could not take down the statement as narrated by him (i.e., Priya Babu) as he believed it to be untrue?

(*e*) If the answer to the questions (*a*) and (*b*) (*i*) to (*vi*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether there is any material difference between the report of the District Magistrate and that of the non-official visitors;

(*ii*) whether there is any substantial discrepancy between these reports and that by the report, if any, submitted by the Deputy Inspector-General; and

(*iii*) whether he is considering the desirability of holding an enquiry into the whole affair himself or by a committee of two members of the House, consisting of one member from the Ministerialist party and another from the Opposition for punishing the guilty persons?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*), (*b*) (*i*), (*ii*), (*iv*), (*v*) and (*vii*) Yes.

(*b*) (*iii*) I have no information.

(*b*) (*vi*) No.

(*c*) The disclosure of the information asked for will be against the public interest.

(*d*) (*i*) Yes.

(*ii*) He declined to proceed with his statements when the Deputy Inspector-General of Prisons (Security) asked him certain questions in connection therewith.

(*e*) (*i*) and (*ii*) The conclusions arrived at by the District Magistrate and the Deputy Inspector-General of Prisons (Security) as a result of their enquiries differed in certain respects.

(*iii*) Government Orders were issued permitting prosecutions of the security prisoners concerned in respect of offences alleged against them. They also permitted security prisoner Babu Priya Ranjan Das Gupta to institute a prosecution against members of the jail staff in respect of assault on him. But subsequently on a representation from security prisoners' spokesmen and in order to re-establish good relations between the jail staff and the

security prisoners, Government accepted the suggestion that the prosecutions against the security prisoners should be withdrawn and that security prisoner Babu Priya Ranjan Das Gupta should, on his part, refrain from instituting any prosecution against the members of the jail staff.

Mr. ATUL CHANDRA SEN: With reference to answer (*c*), will the Hon'ble Minister please state in what respect the disclosure of the information asked for will be against public interest?

Khan Bahadur MOHAMMED ALI: I have nothing further to add to what I have stated in reply to (*c*).

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please state the names of the security prisoners against whom prosecution was permitted?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that at least in one case prosecution has not been yet withdrawn, namely, in the case of Kali Krishna Sanyal?

Khan Bahadur MOHAMMED ALI: I am not aware of it. I ask for notice.

Mr. NISHITHA NATH KUNDU: In view of the information given by me, does the Hon'ble Minister think it desirable to enquire into the matter and see that the Government order is carried out, namely, withdrawing prosecution against Kali Krishna Sanyal?

(No reply.)

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state who intervened in the matter of bringing about the proposed compromise?

Khan Bahadur MOHAMMED ALI: As I have stated, a representation was received from the security prisoners' spokesman. Therefore it was thought that if good relationship is to be re-established it will be better that both sides should give up prosecution.

Mr. SASANKA SEKHAR SANYAL: Who represented the other side?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Was the matter compromised by a petition submitted in Court or out of Court?

Khan Bahadur MOHAMMED ALI: It was out of Court.

Family allowance for security prisoner Babu Brojendra Chakravarty.

***132. Mr. JNANENDRA CHANDRA MAJUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware—

(*i*) that security prisoner Babu Brojendra Chandra Chakravarty of district Tippera, at present detained in the Dacca Central or Dum Dum Central Jail, has sent several petitions to the Government for the grant of family allowance;

(*ii*) that he received no replies to his petitions as yet up to the 5th November, 1944;

(*iii*) that he was a paid employee of the Assam Bengal Railway Employees' Association and, being a graduate of the Calcutta University, could earn and maintain his family members had he been free; and

(*iv*) that his family members have been passing through great financial difficulties and distress?

(*b*) If the answer to (*a*) (*i*) and (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state (*i*) the dates of his petitions, (*ii*) the reasons for giving no replies, and (*iii*) what steps have been taken in the matter?

(*c*) Is the Hon'ble Minister considering the desirability of granting him a family allowance as early as possible?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) to (*iv*) and (*b*) The petitions that were received from the prisoner for family allowance were dated the 14th February, 1942, 7th September, 1942, 25th October, 1943, 20th December, 1943, and 9th January, 1944, and these were rejected on 7th April, 1942, 8th November, 1942, and 28th February, 1944, because the prisoner was not an earning member before his arrest and the family was not in distress. The prisoner was informed of the result of his petitions through the Jail Superintendent.

(*c*) and (*d*) The honourable member is referred to my reply to question (*a*) (*ii*) to (*iv*)

Mr. NISHITHA NATH KUNDU: In view of the revised policy of Government given publicity to in the papers, does the Hon'ble Minister think it desirable that even if the detenus and the security prisoners were not earning when they were arrested they will be granted some family allowance?

Khan Bahadur MOHAMMED ALI: Sir, the case was reviewed in the light of the liberal policy of Government and it was again rejected because this security prisoner had no parents and he was unmarried and besides that it was found that the family was in affluent circumstances and there was no justification for grant of any allowance.

Supply of quinine for distribution in Tangail subdivision.

***133. Mr. AMRITA LAL MANDAL:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that quinine was supplied for distribution in the subdivision of Tangail in the district of Mymensingh from last March, 1943, to April, 1944?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the quantity allotted for sale per month;

(*ii*) the quantity allotted for free distribution per month;

(*iii*) the names of persons to whom quinine was supplied with their local addresses and their medical qualifications, if any; and

(*iv*) the quantity supplied to each one of them?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) (*i*) No separate allotment was made per month for Tangail. It was supplied as soon as demand was made by quinine retailers on production of necessary accounts.

(*ii*) No allotment was made month by month. It was supplied as soon as Medical Officers of charitable dispensaries, Subdivisional Officer, Chairman, District Board or Municipality, or President, Union Board, demanded.

(*iii*) and (*iv*) Statements furnishing the information are laid on the Library Table.

Reconstitution of Bankura District Board.

***134. Sj. MANINDRA BHUSAN SINHA:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) when the five-year term of office of the present District Board of Bankura expired;

(*b*) when the general election for its reconstitution will be held;

(*c*) if the constituencies have been delimited for the purpose of election; and

(*d*) if not, what this delay is due to?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) In March, 1944.

(*b*) As soon as possible after the delimitation of constituencies will be decided by Government.

(*c*) Not yet.

(*d*) Delimitation proposals have just been received from local officers and are under examination. Delay was due to time required for determining the number and distribution of seats, elective and nominated, general and reserved.

Sj. MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state the approximate date by which the election will be held for reconstitution of the Board?

Khan Sahib HAMIDUDDIN AHMAD: The approximate date cannot be given, but Government is trying to expedite election and Government expects to have the election by next year.

Sj. MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state the approximate date by which Government will come to a decision about the delimitation proposals?

Khan Sahib HAMIDUDDIN AHMAD: I cannot give any date, but I have already answered that Government is trying to expedite the matter.

Recent flood in parts of Khulna and 24-Parganas.

***135. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that on the 3rd October, 1944, a flood of saline water visited the southern part of Khulna and 24-Parganas?

(*b*) Is the Hon'ble Minister aware that the flood caused serious damage to 60 per cent. of the paddy crops in the area?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether any enquiry has been made into the matter;

(*ii*) what steps the Government have taken so far to repair the embankments for the protection of the crops from the saline water; and

(*iii*) whether the Government have opened any relief centre or has sanctioned any amount for relief to the flood-affected people?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Yes.

(*b*) Yes. The extent of damage was different in different affected areas.

(*c*) (*i*) Yes.

(*ii*) The embankments have already been repaired in the Khulna district. As regards the 24-Parganas, necessary repair works were duly taken up and have been completed in case of some of the embankments.

(*iii*) Yes. Six centres were opened to give relief to the distressed people of the affected areas of the 24-Parganas. Government have already sanctioned Rs.4,00,000 for distribution as gratuitous relief and also Rs.1,75,000 for sinking 35 deep tube-wells in the affected areas.

Distribution of sugarcane cuttings.

*136. **Mr. I. A. CLARK:** Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) if it is a fact that Government are taking steps to distribute larger quantities of sugarcane cuttings to cultivators;

(*b*) what organisation Government possess for the distribution of sugarcane cuttings to cultivators; and

(*c*) whether Government have taken steps to appoint a special Officer in the Department of Agriculture to take charge of the production and distribution of sugarcane cuttings and generally of all matters connected with sugarcane?

Mr. RASIK LAL BISWAS (on behalf of the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) Yes.

(*b*) No special staff have been employed for distribution of sugarcane cuttings this year but the work is supervised by the Grow More Food Staff in the district. Some assistants from the Agricultural Chemist's Section have also been deputed for the purpose.

(*c*) No, but the scheme of a Government sugarcane seed farm in North Bengal is under consideration of Government and if the scheme materialises additional staff for production and distribution of sugarcane cuttings will have to be entertained.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Release of motor buses requisitioned by Military and A.R.P. authorities.

67. **Babu ASHUTOSH LAHIRI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number of motor buses that have been requisitioned up to date by the military and A.R.P. authorities in Calcutta;

(*ii*) if any of them have been released for service on the streets; and

(*iii*) if so, how many?

(*b*) Is the Hon'ble Minister considering the desirability of releasing all the requisitioned buses immediately for relieving traffic congestion?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) 169.

(*ii*) and (*iii*) Nil (but 3 of the acquired buses were sold in auction to the bus owners whose buses were requisitioned, re-registered and put on the road).

(*b*) There is no proposal for releasing *requisitioned* buses at present, but Government have accepted the principle of replacing them by new controlled vehicles. The first batch of such vehicles is on its way from Bombay, and these vehicles will be released as soon as they arrive.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what is the present position, that is, whether the first batch of controlled vehicles have reached Calcutta from Bombay?

Khan Bahadur MOHAMMED ALI: Sir, it is on its way from Bombay. I refer the honourable member to my reply to (*b*).

Supply of yarn to weavers of Pabna.

68. Mr. PATIRAM ROY: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether any memorial from the Secretary, District Momen (Weavers') Association, Pabna, regarding supply of yarn for the district of Pabna has been received by him?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take on the matter?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) Yes.

(*b*) The question of regular supply of yarn to handloom workers is being examined by the Department of Civil Supplies. In the meantime the Director of Industries, Bengal, has been asked to send some yarn to Pabna.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether any yarn has actually been sent to Pabna for handloom weavers?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice. This relates only to supply to those under the rehabilitation scheme. Supply of yarn is generally done by the Civil Supplies Department through the Industries Department.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what is the present stock of yarn under the Government of Bengal today?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is for the Civil Supplies Department.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the procedure that should be adopted by the weavers to get supply of yarn easily?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have already said, it is a matter concerning the Civil Supplies Department.

Removal of Chairman, Birbhum District Board.

69. Dr. SHARAT CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what is the fate of the no-confidence motion tabled against Babu Surendra Nath Sarkar, the Chairman of the Suri District Board;

(*ii*) whether the charges made against him in the no-confidence motion have been enquired into;

(*iii*) if so, what is the result;

(*iv*) whether the said Babu Surendra Nath Sarkar has been finally removed by Government; and

(*v*) if not, whether the Board can elect another member to work in his place?

(*b*) If the answer to (*a*)(*v*) is in the negative, will the Hon'ble Minister be pleased to state how Md. Alim is functioning as Chairman of the said Board?

(*c*) Is the Hon'ble Minister aware that all the District Board roads all throughout the district have become deteriorated?

(*d*) Will the Hon'ble Minister be pleased to state whether he is considering the desirability of taking immediate steps to enquire into the matter?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*)(*i*) A Resolution was passed at a special meeting of the Birbhum (Suri) District

Board on the 11th August, 1944, asking the Provincial Government to remove Babu Surendra Nath Sarkar from his office of Chairman of the Board. Government have accepted the resolution.

(*ii*) Yes. By the District Magistrate in course of his inspection of the Board after the resolution was passed. No formal inquiry is required by law.

(*iii*) The District Magistrate's inspection revealed grave negligence of duty on the part of the ex-Chairman.

(*iv*) and (*v*) Yes.

(*v*) Does not arise. The District Magistrate, Birbhum, has been appointed to act as Chairman under section 29(*1*), Local Self-Government Act.

(*b*) This gentleman is not functioning as Chairman. He is Vice-Chairman.

(*d*) I will consider the matter.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us why the District Magistrate was appointed as Chairman of the District Board instead of a member?

Khan Sahib HAMIDUDDIN AHMAD: There is no bar in the appointment of the District Magistrate.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether there was not a member in the Board fit to be appointed as Chairman of the District Board?

Khan Sahib HAMIDUDDIN AHMAD: In the opinion of Government the District Magistrate was the fittest man.

Mr. DHIRENDRA NATH DATTA: Is it not a fact that the District Magistrate was already overworked in his official work?

Khan Sahib HAMIDUDDIN AHMAD: In the opinion of Government the District Magistrate has some time to give attention to the District Board work.

Mr. DHIRENDRA NATH DATTA: Is it not a fact that the work of the Board is suffering a great deal on account of the fact that the District Magistrate has no time and energy to devote to the District Board work?

Khan Sahib HAMIDUDDIN AHMAD: No.

Sj. MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state the special reasons why the privilege of the District Board in electing its own Chairman was withdrawn and an official Chairman was appointed?

Khan Sahib HAMIDUDDIN AHMAD: There was serious party faction and Government thought it desirable to get the District Magistrate as Chairman for the time being.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether it is not a fact that the appointment of the District Magistrate as Chairman practically converts a non-official Chairman into an official Chairman?

Khan Sahib HAMIDUDDIN AHMAD: I have nothing to add.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that prior to the introduction of the present state of things the District Magistrate was the *ex-officio* Chairman of the District Board?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Mr. SASANKA SEKHAR SANYAL: Is it not a fact that that system of official Chairman was followed by the system of non-official Chairman elected by the members of the Board?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Mr. SASANKA SEKHAR SANYAL: Is it not a fact that the present arrangement made by the Government takes the matter back to the previous system?

Khan Sahib HAMIDUDDIN AHMAD: It is only a temporary measure.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what was the difficulty in getting a non-official member appointed as Chairman?

Khan Sahib HAMIDUDDIN AHMAD: The District Board had the authority to elect its own Chairman. But as soon as it was found that the District Board could not elect a suitable man to be the Chairman, the Chairman had to go out by a no-confidence resolution, and Government thought it desirable that the District Magistrate should be, in the meantime, appointed as Chairman, and after sufficient lapse of time, another chance may be given to the Board.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state why did the Government think that the District Magistrate should be made Chairman?

Khan Sahib HAMIDUDDIN AHMAD: As I have already stated, there was serious party faction.

Mr. SASANKA SEKHAR SANYAL: Is it not a fact that there were two parties and the District Magistrate was also an important member of one of the parties?

Khan Sahib HAMIDUDDIN AHMAD: No.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to consult the proceedings of the Board in order to see whether the District Magistrate voted as a party man or as a non-party man?

Khan Sahib HAMIDUDDIN AHMAD: He did not vote. He was not a member of the Board.

Mr. SASANKA SEKHAR SANYAL: Is it not a fact that the Subdivisional Officer of Rampurhat was openly directed by the District Magistrate to take up sides?

Khan Sahib HAMIDUDDIN AHMAD: No.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that the District Magistrate in course of his tours made certain remarks in the visitors books in dak bungalows and dispensaries by which he gave open direction to the Subdivisional Officer of Rampurhat to take up sides in the matter?

Khan Sahib HAMIDUDDIN AHMAD: Government is not aware.

Mr. NISHITHA NATH KUNDU: In view of the fact that this is a temporary arrangement, will the Hon'ble Minister be pleased to state if Government have made any permanent arrangement? If so, when that permanent arrangement is going to be given effect to?

Khan Sahib HAMIDUDDIN AHMAD: As soon as the term of the District Magistrate as Chairman will expire, Government will consider the case.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what is the term of appointment?

Khan Sahib HAMIDUDDIN AHMAD: He has been appointed for one year.

Mulberry plantation in Bengal.

70. Dr. SURESH CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state—

(*i*) what was the acreage of mulberry plantation in Bengal before the commencement of the war, district by district;

(*ii*) by how much the plantation has increased by this time;

(*iii*) whether it is a fact—

(1) that the controlled ceiling price of silk cocoons and that of silk yarn have adversely affected the rearers, reelers and weavers of the silk producing area; and

(2) that the establishment of filatures or reeling factories under Government patronage has compelled the cottage reelers to close their basins thus rendering a number of reelers unemployed?

(*iv*) If so, will the Hon'ble Minister be pleased to state what arrangement has been made by the Government for their employment and the maintenance of their families?

(*b*) Will the Hon'ble Minister be pleased to state if it is a fact—

(*i*) that the policy of fixing up the ceiling price, instead of the minimum price for cocoons and silk yarn has failed to intensify the mulberry cultivation, cocoon rearing and silk yarn production; and

(*ii*) that the appointment of a sole agent by the Government for the purchase of silk yarn at the controlled price has created a black market and the purpose of the Government has been frustrated, thus hampering the progress of the silk industry?

(*c*) If the answer to (*b*) is in the affirmative, do the Government contemplate revising its policy regarding the controlled ceiling price and the appointment of the sole agent?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (*a*)(*i*) and (*ii*) A statement is laid on the Table.

(*iii*) (1) and (*b*) (*i*) No

(2) No. Cottage reelers carrying on work in a businesslike way are not in any way affected.

(*iv*) Does not arise.

(*b*) (*ii*) No, the reasons for the black market lie elsewhere.

(*c*) Does not arise. The present arrangement is in any case only in force for a year.

Statement referred to in reply to (a) (i) and (ii) of unstarred question No. 70.

District.	Area under cultivation before the commencement of the war.	Area under cultivation at present.	Total increase.
	Bighas.	Bighas.	Bighas.
Malda	23,247	31,284	8,037
Murshidabad	3,555	5,157	1,602
Birbhum	1,662	2,628	966
Bogra	27	45	18
Midnapore	69	156	87
Bankura	54	252	198
Rajshahi ..	54	99	45
Total .. .	28,668	39,621	10,953

Price of different kinds of rice in Bengal and certain places outside.

71. Rai HARENDRA NATH CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state the lowest wholesale prices of—

(*i*) medium, and
(*ii*) coarse,

rice prevailing in the different districts of Bengal in the last week of December, 1942, and in that week of January, February, March, April, May and June, 1943?

(*b*) Whether he has any information as to the lowest wholesale prices of—

(*i*) medium, and
(*ii*) coarse,

rice prevailing at (1) Patna, (2) Purnea, (3) Cuttack, (4) Balasore, (5) Gauhati, and (6) Sylhet, in the third week of May and June, 1943?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) A statement giving the required information is laid on the Library Table.

(*b*) A statement showing the lowest wholesale prices as supplied by the Governments of the respective Provinces is laid on the Library Table.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why he took so long a time, namely, more than two years to give a reply to this question which has really frustrated the entire object of putting this question?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not more than two years.

STARRED QUESTIONS

(to which oral answers were given)

Prosecutions for profiteering and hoarding in essential foodstuffs.

***137. Mr. J. R. WALKER:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to lay on the Table a statement showing for the months of May and June, 1943,—

(*i*) the number of prosecutions instituted in Bengal for profiteering and hoarding in essential foodstuffs; and
(*ii*) the number of convictions secured and the penalties imposed?

(*b*) Is the Hon'ble Minister aware that as a general rule small fines and not imprisonment are imposed for profiteering and hoarding offences?

(*c*) If so, will the Hon'ble Minister be pleased to state what steps the Government contemplate to take so that deterrent penalties for profiteering and hoarding offences may be imposed?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) A statement is laid on the Table giving the information asked for.

(*b*) In many cases small fines were imposed but in some cases sentences of heavy fines or imprisonment were awarded.

(*c*) Public Prosecutors in all districts have been instructed to press for deterrent sentences in such cases. Where necessary, Government have moved the High Court for enhancement of the sentences. The observations of the High Court on the desirability of adequate punishment in such cases which were made in Emperor *versus* Joygam Pathak and others have been circulated to the District Magistrates.

Statement referred to in reply to clause (a) of starred question No. 137, showing the number of prosecutions instituted, number of convictions secured and the nature of penalties imposed for profiteering and hoarding of essential foodstuffs during May and June, 1943.

	District.	Number of prosecutions instituted.	Number of convictions secured.	Nature of penalties imposed.	Remarks.
1.	Bakarganj	57	18	Fine and rigorous imprisonment	No details furnished.
2.	Darjeeling	14	5	(1) Fine Rs. 100 and Rs. 500. The conviction was however set aside on appeal. (2) Fine Rs. 200, in default 2 months' rigorous imprisonment and the seized rice was confiscated. The order of confiscation was set aside on appeal. (3) Fined Rs. 100, in default 2 months' rigorous imprisonment (4) Fine Rs. 2, and the seized matches were confiscated (5) The accused sentenced to simple imprisonment for a day and fined Rs. 30, in default simple imprisonment for a month.	One case was pending in the High Court on a motion when the report of the district was received.
3.	Noakhali	45	3	Not reported . .	41 cases were pending till 20th January, 1944. One case ended in acquittal of the accused.
4.	Rajshahi ..	18	3	Fine— (1) Rs. 500. (2) Rs. 100. (3) Rs. 15.	13 cases were pending till the date of report (*i.e.*, on 20th September, 1943). Two cases ended in acquittal of the accused.
5.	Burdwan ..	1		...	The case was reported to be pending at the time the report was sent (22nd September, 1943).
6.	Bogra	5	2	(1) Fine Rs. 25 . . (2) Fine Rs. 100	3 cases were reported to be pending at the time the report was sent (25th September, 1943).
7.	24-Parganas	92	7	(1) Fine Rs. 250 (in default 3 months' rigorous imprisonment) and rigorous imprisonment for 2 months. The hoarded stock of 200 maunds of rice and 400 maunds of paddy forfeited (conviction set aside by Appellate Court). (2) Fine Rs. 75, in default rigorous imprisonment for one month) and licence cancelled. (3) Fine Rs. 25, in default rigorous imprisonment for 10 weeks. (4) Fine Rs. 50, in default rigorous imprisonment for one month (5) In remaining 3 cases (*a*) Fine Rs. 50. (*b*) Fine Rs. 40. (*c*) Fine Rs. 10.	Remaining 85 cases still pending (as reported on 25th August, 1943).
8.	Dacca ..	14	7	(1) In 3 cases fine Rs. 50 each (2) Fine Rs. 4. (3) Fine Rs. 30. (4) Fine Rs. 400. (5) Sentenced to rigorous imprisonment for 6 weeks.	7 cases reported to be pending at the time the report was sent (12th August, 1943).

	District.	Number of prosecutions instituted.	Number of convictions secured.	Nature of penalties imposed.	Remarks.
9.	Chittagong	7	7	(1) Fine Rs. 10. (2) Fine Rs. 10. (3) Fine Rs. 25. (4) Fine Rs. 25. (5) Fine Rs. 20. (6) Fine Rs. 30. (7) Fine Rs. 100.	
10.	Rangpur ..	59	25	(1) Fine Rs. 75, in default rigorous imprisonment for 3 months. (2) Rigorous imprisonment for 4 months. (3) Rigorous imprisonment for 2 months and fined Rs. 50, in default rigorous imprisonment for 1 month more. (4) Rigorous imprisonment for 3 months. (5 to 7) 3 persons fined Rs. 100 each, in default rigorous imprisonment for 2 months each. (8) Fined Rs 75, in default rigorous imprisonment for 2 months. (9) Fined Rs. 50, in default rigorous imprisonment for 6 weeks. (10) Fined Rs. 60, in default rigorous imprisonment for one month. (11) Rigorous imprisonment for 2 months. (12) Rigorous imprisonment for 6 weeks and a fine of Rs. 30, in default rigorous imprisonment for 15 days more. (13) 3 persons in a case; one sentenced to rigorous imprisonment for 6 months, one fined Rs. 1,000, in default rigorous imprisonment for 6 months and one fined Rs. 250, in default rigorous imprisonment for 3 months. (14) Rigorous imprisonment for 6 weeks. (15) Fine Rs. 50, in default rigorous imprisonment for 2 months. (16) Fine Rs. 50, in default rigorous imprisonment for 21 days. (17) Fine Rs. 15, in default rigorous imprisonment for 15 days. (18) Fine Rs. 50, in default rigorous imprisonment for 21 days. (19) Fine Rs. 15, in default rigorous imprisonment for 15 days. (20) Fine Rs. 40, in default rigorous imprisonment for one month. (21) Fine Rs. 25, in default rigorous imprisonment for 21 days. (22) Fine Rs. 10, in default rigorous imprisonment for 7 days. (23) Fine Rs. 50, in default rigorous imprisonment for one month. (24) Fine Rs. 35, in default rigorous imprisonment for one month. (25) Fine Rs. 30, in default rigorous imprisonment for 21 days.	7 cases ended in acquittal of the accused. 27 cases were reported to be pending at the time the report was sent.
11.	Hooghly ..	36	3	Not reported ..	33 cases were reported to be pending at the time the report was received.

	District.	Number of prosecutions instituted.	Number of convictions secured.	Nature of penalties imposed.	Remarks.
12.	Nadia ..	25	10	Fine— (1) Rs. 100. (2) Rs. 51. (3 to 9) Rs. 10 to Rs. 100. (10) Rs. 200.	15 cases were reported to be pending at the time the report was received (30th July, 1943).
13.	Mymensingh	18	..	....	17 pending (29th July, 1943), 1 discharged.
14.	Tippera ..	13	1	Fine Rs. 10	12 pending (27th July, 1943).
15.	Murshidabad	14	3	(1) Fine Rs. 30, in default rigorous imprisonment for one month. (2) Fine Rs. 10, in default rigorous imprisonment for 2 weeks. (3) Fine Rs 25, in default rigorous imprisonment for one month.	11 cases pending at the time the report was sent (28th July, 1943).
16.	Malda ..	9	..	...	All pending on 22nd July, 1943.
17.	Midnapore	14	5	(1) Fine Rs. 20 .. .. (2) Fine Rs. 10. (3) Fine Rs. 12. (4) and (5) 2 cases fined, in default rigorous imprisonment.	Particulars of fine in two cases not reported. 1 case discharged, 8 cases *sub judice*.
18.	Jessore ..	24	5	Fine Rs. 135 . .	13 cases pending on 23rd July, 1943.
19.	Birbhum ..	..	..	....	. . .
20.	Howrah ..	37	3	(1) Fine Rs. 45, in default rigorous imprisonment for 6 weeks. (2) Fine Rs 15, in default rigorous imprisonment for 15 days (3) Fine Rs.15, in default rigorous imprisonment. Fine paid.	34 cases pending on 20th July, 1943.
21.	Dinajpur ..	21	2	(1) The accused was released after admonition. (2) One accused fined Rs. 150 and the other Rs. 50.	19 cases pending on 20th July, 1943.
22.	Jalpaiguri	13	5	(1) Fine Rs. 100, in default rigorous imprisonment for 4 months (2 cases were jointly tried the accused being the same person). (2) Fine Rs.30, in default rigorous imprisonment for 1 month. (3) In 2 cases the accused was sentenced to 3 months' rigorous imprisonment each.	7 cases pending on 21st July, 1943. 1 discharged.
23.	Bankura ..	35	7	(1) In 3 cases fine Rs.100 each, in default 3 months' rigorous imprisonment. (2) In 2 cases fined Rs. 200 each, in default 4 months' rigorous imprisonment. (3) In one case two accused were fined Rs. 25 each, in default 6 weeks' rigorous imprisonment. (4) In one case 2 accused were fined Rs. 40 each, in default 6 weeks' rigorous imprisonment.	28 cases pending on 20th July, 1943.
24.	Chittagong Hill Tracts.	2	..	....	All pending on 15th July, 1943.
25.	Khulna ..	32	6	(1) Rigorous imprisonment for 6 months. (2) Fine in 5 cases.	6 pending on 17th July, 1943. 20 discharged.
26.	Pabna ..	14	1	Fined Rs. 25 and rigorous imprisonment for a week. On appeal the fine was reduced to Rs. 20 and imprisonment was set aside.	1 case withdrawn, 1 case discharged, 11 cases pending on 16th July, 1943.

	District.	Number of prosecutions instituted.	Number of convictions secured.	Nature of penalties imposed.	Remarks.
27.	Faridpur ..	43	..	.	9 discharged. 34 pending on 10th July, 1943.
28.	Calcutta ..	246	73	Average fine Rs. 32 in 72 cases, fine Rs. 25 in one case.	18 cases acquitted. 155 cases were pending on 5th July, 1943.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state in how many cases such steps have been taken by the Public Prosecutor to move High Courts for enhancement of sentences?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that many officials have been found to have indulged in profiteering and hoarding but that no prosecution was started against them?

The Hon'ble Mr. H. S. SUHRAWARDY: I am prepared to enquire into the case if any specific case is brought to my notice by the honourable member.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to refer to the case of a Circle Officer of Berhampore who was found in possession of unauthorised quantity of foodgrains and that a member of the ministerial staff reported the matter to the thana but then subsequently the Subdivisional Officer and the District Magistrate put pressure upon him and persuaded him to withdraw the complaint?

The Hon'ble Mr. H. S. SUHRAWARDY: As I have said already, I am prepared to enquire if any honourable member or members bring any specific case to my notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister tell us why, in the district of Tippera in which there were 13 prosecutions, one ending in conviction and fine of Rs. 10, 12 prosecutions are pending for such a long time since 27th July, 1943? It is No. 14.

The Hon'ble Mr. H. S. SUHRAWARDY: That is more than I can say as to why cases are pending in a court of law.

Dr. NALINAKSHA SANYAL: With reference to Nadia, will the Hon'ble Minister be pleased to state what is the present position of the case in which the former District Magistrate of Nadia was reported against and an enquiry was held by the police as regards his conduct as also the local Supply Officer, and the police report against him was submitted to Government?

The Hon'ble Mr. H. S. SUHRAWARDY: With very great respect, I say that it does not arise out of this question, but I am well aware that some steps were taken and I believe that the matter is not yet closed.

Dr. NALINAKSHA SANYAL: With reference to the Murshidabad district, will the Hon'ble Minister be pleased to state what is the present position of the case in which a local Supply Officer and Circle Officer was reported against by the police for blackmarketing quinine and also dealing with sugar in an iregular manner.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know anything about that. It has nothing to do with my department.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action has been taken against the Inspector of Textiles, Civil

Supplies, in the office of the Provincial Textile Controller Mr. Jones of the name of one Goswami against whom a written complaint was given by the questioner and handed over to Mr. Jones in September?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware of a severe complaint about abuse and corruption in the office of the Provincial Textile Controller amongst Inspectors under him operating under his authority?

The Hon'ble Mr. H. S. SUHRAWARDY: Written complaint?

Dr. NALINKSHA SANYAL: Yes, several. One at least was written by me

The Hon'ble Mr. H. S. SUHRAWARDY: That is the one that has been brought to my notice. I am not aware of any others.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that recently a complaint about the delivery of 65 bales of yarn to one firm of Marwaris has been brought to his notice and the Enforcement Police has investigated into the matter and found many irregularities in that connection?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I again submit that it does not arise out of this question at all The honourable member refers to one case, but I am aware of several such cases all of which have been handed over to the Enforcement Police and which are being enquired into. I do not know the result of these cases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the result of the case in which a large number of bales of cotton piece-goods were discovered in a particular undeclared godown and it was pointed out to the Provincial Textile Controller as belonging to a firm of licensed cloth dealers which was brought to the Hon'ble Minister's own notice?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, I am not aware of the case having been brought to my notice.

Dr. NALINAKSHA SANYAL: Is the case of Bewalkar----

The Hon'ble Mr. H. S. SUHRAWARDY: No such case was brought to my notice but as I have said any question which the honourable member or members wish to place before me against officials or non-officials, against the public or the trade, I am prepared to enquire into

Dr. NALINAKSHA SANYAL: That is the general assurance.

The Hon'ble Mr. H. S. SUHRAWARDY: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that one Hansraj Dalatram of Armenian Street got a large number of bales of yarn released to him on the authority of the Provincial Textile Controller recently while others were not being given similar facilities?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I submit it does not arise out of this question. We are now getting into very complicated matters as to when and in what circumstances the bales of yarn were released. I am not aware of those circumstances.

Dr. NALINAKSHA SANYAL: Does the Hon'ble Minister know of this particular case?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, I know of this particular case, but I said that it does not arise out of this question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is personally aware of the fact that the Provincial Textile Controller——

Mr. DEPUTY SPEAKER: How can you bring in this textile matter when the question relates to only foodstuff?

Mr. SASANKA SEKHAR SANYAL: Sir, food leads to cloth.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to refer to item 21 of his statement and state the name of the accused who has been released and the specific act or acts of offence he had committed?

The Hon'ble Mr. H. S. SUHRAWARDY: I would ask for notice.

Sj. NARENDRA NATH DAS GUPTA: With reference to item 1 of his statement, will the Hon'ble Minister be pleased to state the reason why out of 57 cases of prosecution only 18 were convicted?

The Hon'ble Mr. H. S. SUHRAWARDY: Because I suppose the courts found that the cases were proved against them.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if he is aware that one Pal Chaudhury of Jhalakati was detected hoarding an immense quantity of foodstuffs and he was let off on a security of Rs. 20,000?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know what the honourable member is speaking about. Obviously, the honourable member knows something about which I do not know anything.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to refer to item 8 of his statement and state the name of the person who has been fined Rs. 4 and the offence he committed?

The Hon'ble Mr. H. S. SUHRAWARDY: I would ask for notice. This is a question which cannot possibly be expected to be answered by me without notice.

Mr. SASANKA SEKHAR SANYAL: Sir, befort you proceed on to the next question I would just draw your attention to one matter. When we put important questions answers are refused on the ground that they will cost time and labour and so on, but when Mr. Walker puts a question 4 pages are devoted to the answer.

Mr. DEPUTY SPEAKER: That is not my concern.

Mr. Nikunja Behari Maiti, M.L.A.

***138. Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the name of Sj. Nikunja Behari Maiti, M.L.A., a security prisoner, now in the Presidency Jail, is included by the Special Branch or District Intelligence Branch of police in the list of terrorist prisoners?

(*b*) If so, will the Hon'ble Minister be pleased to state the reasons or the facts on which such a conclusion has been arrived at?

(*c*) Will the Hon'ble Minister be pleased to state whether during the whole course of his life he was ever found to be engaged in or associated with any terroristic activity?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) and (*c*) Do not arise.

River dacoities at certain places in Faridpur district.

*138. **Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that there are two River police-stations one at Sendiaghat and the other at Kavirajpur and an ordinary police-station at Rajore in the district of Faridpur;

(*b*) whether attention of Government has been drawn to the fact that river dacoities are committed in numbers within the jurisdictions of those police-stations, almost every week, specially during *Puja* month;

(*c*) how many cases of such dacoities have been dealt with by the police this year and with what result;

(*d*) whether Government are aware that journey by boat in the aforesaid areas has become absolutely unsafe for the public;

(*e*) whether the number of thefts, burglaries and dacoities in the sub-division of Madaripur and Sadar has enormously increased from that of the previous year; and

(*f*) what steps have been taken by Government or the district authorities to reduce the number of thefts, burglaries and dacoities in the district of Faridpur?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) There are floating outposts at Sindiaghat and Kavirajpur, but not police-stations. Rajoir is an ordinary police-station.

(*b*), (*d*) and (*e*) No.

(*c*) Fifteen cases were reported, out of which charge sheets were submitted in 6 and 2 cases are pending investigation. Final report was submitted in 4 cases and investigation was refused in 3.

(*f*) Patrols—ordinary, special and mobilised—have been introduced, where necessary. Gangs responsible for crime have been detected and a number sent up—either in charge sheet or in bad-livelihood cases. Meetings with the local people have been held, and ways and means to check crime have been suggested and adopted. Special staff from among the District Police have been set apart for helping the local police in the detection of important cases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that representations have been made by the River Steamer Service to Government suggesting certain more rigorous measures to control dacoities in the Faridpur district area?

Khan Bahadur MOHAMMED ALI: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Inspector-General of Police, Bengal, was approached in regard to river dacoities?

Khan Bahadur MOHAMMED ALI: I would ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that for certain months the Director of Movements, Civil Supplies, had put patrols along the convoys in order to prevent pilferage and dacoity of foodgrains sent out by the Director of Movements?

Khan Bahadur MOHAMMED ALI: I would ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that during recent weeks the Government of Bengal have withdrawn facilities given to the Director of Movements, Civil Supplies, in watching the foodgrains that were sent out and in supplying special Police assistance to them for preventing river dacoities?

Khan Bahadur MOHAMMED ALI: I would ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the special staff engaged in Khulna to watch and report——

Khan Bahadur MOHAMMED ALI: How does Khulna arise, in a question relating to Faridpur?

Dr. NALINAKSHA SANYAL: It goes from Khulna through the Beel route in the Faridpur district. They suggested certain Police launches to ply between those areas and keep more constant watch than has been possible in the past.

Khan Bahadur MOHAMMED ALI: I would ask for notice.

Fire at Kamalaghat Bandar, Munshiganj subdivision.

***140. Mr. ATUL CHANDRA SEN:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government have ascertained—

(*i*) the cause of the fire which broke out at Kamalaghat *bandar* in the Munshiganj subdivision of the district of Dacca during the night of the 26th-27th October last;

(*ii*) the number of houses burnt; and

(*iii*) the total loss caused by the fire?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that only an hour or two before the fire broke out in the aforesaid *bandar* attempts were made by some people to set on fire the residential house of the Pals (in the neighbourhood of the *bandar*) in which was held up the Durga image which could not be immersed owing to the obstructive attitude of a section of the local Muslims, a hut in the said house being as a matter of fact partially burnt;

(*ii*) that fire broke out simultaneously in different parts of the *bandar*;

(*iii*) that at a conference of the local Hindus and the Muslims a few days before the incident the Subdivisional Officer of Munshiganj had occasion to say addressing the Hindus that the story of the Raipura disturbances might be repeated in Munshiganj if his direction in the matter of the immersion of the image were not acted upon by them;

(*iv*) that the said Subdivisional Officer did not appear on the scene of occurrence at Kamalaghat till about fifteen hours after the fire broke out; and

(*v*) that timely information was sent to him by the local people at his headquarters less than four miles from there?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) The case is still under investigation.

(*ii*) About 200.

(*iii*) No accurate estimate is possible.

(*b*) (*i*) A fire broke out in a "Dhenki ghar" of the Pals about an hour or so before the Kamalaghat fire and the hut was partially burnt, but there is no evidence that this was a case of incendiarism.

(*ii*) and (*iii*) No.

(*iv*) Yes. The Subdivisional Police Officer was on the spot and the Subdivisional Officer was not very well.

(*v*) Yes.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to state who is conducting the investigation?

Khan Bahadur MOHAMMED ALI: The district authorities.

Mr. ATUL CHANDRA SEN: Do you mean the District Magistrate?

Khan Bahadur MOHAMMED ALI: Yes.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state when may we expect the report of the investigation?

Khan Bahadur MOHAMMED ALI: I cannot foretell when the investigation will be completed.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*)(*i*) wherein it is stated that there is no evidence that this was a case of incendiarism though we find that a fire broke out in a *dhenki ghar* of the Pals about an hour or so before the Kamalaghat fire and the hut was partially burnt, do we understand the Hon'ble Minister to suggest that an investigation was made into that incident and no evidence was forthcoming to show that it was a case of incendiarism?

Khan Bahadur MOHAMMED ALI: Yes. I may state that the Pals have got two-storied and three-storied houses which are surrounded by high walls, apart from the fact that no evidence was found regarding the allegation that it was a case of incendiarism.

Mr. ATUL CHANDRA SEN: Is this the result of the investigation held?

Khan Bahadur MOHAMMED ALI: I have already said that no evidence was available as to this case being a case of incendiarism.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state how many days did the District Magistrate go to the locality in connection with the investigation?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. SASANKA SEKHAR SANYAL: Is the District Magistrate making the investigation himself or having it done by others also?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*)(*ii*), will the Hon'ble Minister be pleased to state whether there was any conference of local Hindus and Muslims held one or two days previous to the outbreak of the fire with the Subdivisional Officer as the President who desired the Hindus to conduct the immersion ceremony in the way in which he was pleased to arrange?

Khan Bahadur MOHAMMED ALI: Not in the way as alleged, but there was a conference in which it was settled.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether it is a fact that the Hindus could not abide by the decision of the Subdivisional Officer?

Khan Bahadur MOHAMMED ALI: That is a different matter. It does not arise in connection with this question.

Mr. ATUL CHANDRA SEN: It is for the Deputy Speaker to say whether it is relevant or not.

Khan Bahadur MOHAMMED ALI: I have said, how does this question arise? It is in connection with another conference and I have not got the materials before me.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state from what source he gathered the information that the Subdivisional Officer did not threaten the Hindus with consequence in case his decision was not abided by?

Khan Bahadur MOHAMMED ALI: The District Magistrate made an enquiry on the 30th October regarding this allegation and there were three responsible Hindus who were present at that conference and who stated before the District Magistrate that there was no such statement as alleged to have been made by the Subdivisional Officer.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the names of these three eminent Hindus who were present at the conference?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*)(*iv*), will the Hon'ble Minister be pleased to state what was the nature of the Subdivisional Officer's ailment which prevented him from travelling a distance of less than three or four miles?

Khan Bahadur MOHAMMED ALI: I do not know what the nature of the ailment was, but it meant going to the spot by cycle which he was not fit enough to undertake. But when he was better he went there later by motor launch.

Government measures for increasing supply of quinine.

***141. Mr. DHIRENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state—

(*i*) the measures adopted by Government to increase the supply of quinine to the people;

(*ii*) the present annual output of quinine at the Government factory at Mungpoo;

(*iii*) the steps taken by Government to increase the production;

(*iv*) how the trunks and leaves of cinchona plants are disposed of at the Government factory; and

(*v*) whether Government have ever enquired whether quinine can be extracted out of the trunks and leaves?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state their findings in the matter?

(*c*) Are the Government considering the desirability of increasing the production of quinine in Bengal?

(*d*) If so, will the Hon'ble Minister be pleased to state whether Government are prepared to give facilities to private firms to take up manufacture of quinine.

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Premhari Barma): (*a*) (*i*) Government are increasing their production of quinine. Distribution is at present controlled by the Central Government as a wartime measure. Apart from the quinine available, Government have arranged for very large supplies of quinine substitutes.

(*ii*) 70,000 to 72,000 lbs. per annum.

(*iii*) Two new plantations, one at Rongo and the other at Latpanchor, have been started.

(*iv*) The leaves are left on the ground. The trunks, after removal of bark, are partly used in the construction of nurseries and partly used by coolies for fuel.

(*v*) and (*c*) Yes.

(*b*) Only traces of active alkaloids are present in the leaves and trunks and extraction is uneconomical.

(*d*) Government are prepared to help private firms with cheap seed and free technical advice.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that now-a-days in the mufassil districts no quinine is available except the so-called quinine substitutes?

The Hon'ble Mr. PREMHARI BARMA: Yes.

Mr. DHIDRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether Government is aware that the so-called quinine substitutes, quinocrine and mepacrine tablets, are not found to be effective?

The Hon'ble Mr. PREMHARI BARMA: That is a matter of opinion. I am not an expert in the matter and cannot say how far they are effective.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he has any information or knowledge about the efficacy or otherwise of these quinine substitutes?

The Hon'ble Mr. PREMHARI BARMA: Government is not aware that they are not effective.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether these substitutes have been experimented on by the members of the Treasury Benches?

The Hon'ble Mr. PREMHARI BARMA: Yes.

Mr. SASANKA SEKHAR SANYAL: May I know which Minister has used it?

The Hon'ble Mr. PREMHARI BARMA: Some of us have used it and we recommend it for the use of Opposition members.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he has himself any personal knowledge of this substitute in the case of any malaria patient?

The Hon'ble Mr. PREMHARI BARMA: I have personal knowledge of my own case and of two or three members of my family.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what are the substitutes for quinine?

The Hon'ble Mr. PREMHARI BARMA: Quinocrine and mepacrine.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*a*)(*iii*), will the Hon'ble Minister be pleased to state what is the annual output of quinine of each of the two plantations at Rongo and Latpanchor?

The Hon'ble Mr. PREMHARI BARMA: In these plantations trees are grown and barks are collected and taken from there to the factories where quinine is manufactured. Therefore, it is not possible to say what is the amount of quinine produced from these respective plantations.

Recruitments through Public Service Commission.

***142. Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the appointments which were referred to the Provincial Public Service Commission during 1943 and 1944, for selection of candidates;

(*b*) the appointments in connection with which the recommendations of the Commission were received during the period;

(*c*) the cases in which the original recommendations of the Public Service Commission were revised;

(*d*) the cases in which the original recommendations of the Public Service Commission were not given effect to in the order of such recommendation; and

(*e*) the reasons for deviation, if any?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): By courtesy of the Public Service Commission I am able to supply the following information asked for by the honourable member:—

(*a*) to (*d*) The information asked for will be found in the Statements "A", "B", and "C", copies of which have been laid on the Library Table.

(*e*) The particulars of the cases referred to at (*c*) and (*d*) above, and the reasons for deviation are given in Statement "D", a copy of which has also been laid on the Library Table.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why is it that all the substantive post or posts which were known to Government not to be of a temporary character under the disposal of the various departments of the Government of Bengal, vacant during the years, 1943 and 1944, not sent to the Public Service Commission for selection of candidates?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I can only speak for myself but obviously I cannot answer for all the other twelve Ministers.

Dr. NALINAKSHA SANYAL: Was the selection of the Commissioner of Agricultural Income-tax, one of the posts sent for selection by the Public Service Commission?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No.

Dr. NALINAKSHA SANYAL: What was the reason for not referring that post to the Public Service Commission?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The Public Service Commission were aware of the appointment and they did not object.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how the Public Service Commission came to know of this appointment if no reference was made?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: They were informed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any previous consultation was held with the Public Service Commission in regard to the selection of such an important post, namely, the Commissioner of Agricultural Income-tax, which was going to be more or less a permanent post for the province?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: So far as the actual appointment was concerned it was made after consultation with the Public Service Commission although the Public Service Commission were told that they were to have a particular officer who has special experience.

Dr. NALINAKSHA SANYAL: Why is it then that the list does not show the name of that officer in either 1943 list or in the 1944 list?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It was not referred to the Public Service Commission in a formal way in the sense that the Public Service Commission were not asked to advertise the post.

Dr. NALINAKSHA SANYAL: Has the Government got now the practice of irregular consultation with the Public Service Commission apart from those referred to in the list placed on the Library Table?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I do not admit that at all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, with reference to appointments in the Civil Supplies Department, why is it that none of the posts appear to have been on the recommendation of the Public Service Commission?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I could hardly answer that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which are the appointments which are now not required to be referred to the Public Service Commission, even though the salary that is payable is very very high indeed?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I cannot answer that question off-hand. If the honourable member gives notice of any question, I shall look up and find out.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that although the appointment of the Commissioner of Agricultural Income-tax was not on the recommendation or after selection by the Public Service Commission, the Agricultural Income-tax Officers have been recruited or are proposed to be recruited on the recommendation of the Public Service Commission?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether officers serving the Government now with certain qualifications or experience have been permitted to apply to the Public Service Commission in connection with such appointments?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, if I have understood the question correctly, I can only say that it is for the departments concerned to allow their officers to apply for particular appointments.

Dr. NALINAKSHA SANYAL: With reference to statement B, will the Hon'ble Minister be pleased to state if the number of vacancies noticed in 1943 were not all filled up in that year and some were kept on for the following year with or without the definite recommendation of the Public Service Commission?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: That is more than I can answer.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that as a result of the holding over all appointments from one year to the next year the case of certain candidates has suffered adversely?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I submit that a question of that character hardly arises out of the question itself.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, with reference to statement C, how is it or why was it that as many as 16 members selected for holding the posts of Lawyer-Magistrates by the Public Service Commission in order of preference were kept out and superseded by persons lower in the list?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I do not know if the question is true.

Dr. NALINAKSHA SANYAL: The answer is there.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The Communal Ratio Rules have been observed but there has been no other change in the order.

Dr. NALINAKSHA SANYAL: With reference to answer regarding the temporary Labour Officer, will the Hon'ble Minister be pleased to state why is it that the sixth candidate in the order of recommendation was appointed overriding the claims of the previous ones, and what is the name and relationship, if any, with any of the Ministers?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, may I say generally that with regard to this question I could act and I could only be expected to act as a kind of post office, but the answer is there.

Dr. NALINAKSHA SANYAL: The name and reason are not there. The answer is, "The Commission recommended six candidates in order of preference for two vacancies. Government appointed the first and the sixth nominees of the Commission". My question is, why is it that the sixth nominee was appointed overriding the claims of the previous ones, and what is his name and what is the relationship, if any, with any of the Ministers?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I do not possess the geneological table of all the Ministers, but in any case the names also are not given in full because this relates to a department with which I have only very indirect concern.

Dr. NALINAKSHA SANYAL: With reference to the appointment of Superintendent of Bengal Vaccine Institute, why was it that the appointment was kept in abeyance from 1941 to 1944 to the great detriment to the interests of manufacture of vaccines in the province?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am not sure if the manufacture of vaccines suffered very much, but as regards the earlier part of the question, it is a question which I am unable to answer.

Dr. NALINAKSHA SANYAL: May I invite the Hon'ble Minister's attention to statement "B", item 3, where it is stated that in 1940 the Director of Public Health recommended that the vacancy in the post of Superintendent, Vaccine Institute, should be filled up and should go to a Muslim candidate who had qualified in the M.B. and D.P.H. and so on and so forth. That shows that from 1940 this post was lying open. It is also shown in answer 3, statement "B", that the recommendation of the Commission was obtained in September, 1942, and the appointment was made in September, 1943, and was contrary to the recommendation. Why was it that this appointment was made contrary to the recommendation as mentioned in statement B?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, as I have said before, I am not expected to answer these questions relating to departmental administration.

Mr. DEPUTY SPEAKER: Question time is over. Yes, Sir Nazimuddin.

GOVERNMENT BILL.

Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to introduce the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944.

(Secretary then read out the short title of the Bill.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944, be taken into consideration.

Sir, I feel that I have to briefly explain the reasons why Government have introduced this Bill and its justification.

Sir, I would like the members to realise that the emoluments of practically all those persons who are receiving salaries below Rs. 2,000 in some shape or other, in whatever service in whatever employment they may be have been increased and enhanced. It will indeed be a very rare case and I consider a most unjustifiable case if the emoluments of employees or persons who are employed on salary basis are not in some way or other increased during this period of extraordinary inflation and high cost of living. I submit, Sir, that in the case of Government employees from menials right up to the persons belonging even to the Indian Civil Service who are drawing a salary of up to Rs. 1,000, Government have taken into consideration the fact of the high cost of living and given them relief. In the case of private employees whether of individuals or of companies, employers have taken into consideration the fact that the cost of living has gone up enormously particularly in this province more than in any other province in India and therefore they have given relief to these employees.

As far as the members of the Legrislature are concerned, they stand practically on the same footing as that of any person who is receiving a fixed salary. At the time when members' salaries were fixed, the fact that the cost of living would go up so much was never taken into consideration, and once you accept the justification for payment to the members of the Legislature, once this principle is recognised and accepted that those who come to serve as members of the Legislature should be paid a reasonable and adequate salary for their maintenance, so that they can devote their whole time to the work of the Legislature, then I see no reason why there should be any doubt whatsoever that what was considered an adequate salary at the time when the salary was fixed should be increased in these abormal times. (Mr. ATUL CHANDRA SEN: Do you propose to increase your own salary?) Reasonably it should be so, but unfortunately it is not going to be because of the mentality of the gentlemen opposite. I maintain, Sir, that no person is justified in making any kind of remarks once they have accepted the principle of payment to the legislators. What is the basis on which we have accepted the principle? You have felt the need that the members should get some salary to maintain themselves, because they devote almost their whole time to this work and it is not possible for those who have been elected as members of the Legislature and who have to attend the session for more than 4 to 6 months in a year to be able to do their ordinary work, namely, the vocation or profession they may be engaged in. I would ask members of this House to tell me honestly how far members who are engaged in the legal profesion and who do not live in Calcutta—how many of them who had successful practice before they came to the Legislature are continuing to maintain their standard of practice at the present time. (Mr. ATUL CHANDRA SEN: But your motive is quite different!) Sir, it is only the people who, I may say, have got a small mind that can talk of motive when they cannot answer on the merits of the case.

Now, Sir, I ask members of this House whether it is not a fact that even though those gentlemen who are engaged in legal profession can keep up their standard of practice, the amount of incomes which they used to earn before they became members has diminished after they became members. If you honestly feel that this is a fact which I am stating, I see no justification why the members on that side of the House should raise objections to my proposal, because by serving as members of the Legislature they have lost their normal income and they have to rely mostly on their salaries. Sir, I am not talking of those who had no legal income; I am only talking of those who had some income and not of briefless lawyers. (Mr. JOGESH CHANDRA GUPTA: Who are they?) (Mr. ATUL CHANDRA SEN: The most briefless lawyer is at the helm of Government today!)

Mr. DEPUTY SPEAKER: Order, order. You will have your chance later.

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, if members of this House feel that due to their being members of the Legislature they have to rely on their salaries in keeping themselves and their families, I maintain, Sir, that it is only fair and just that their salaries should be increased in these hard days. I do not see, Sir, how any reasonable person, how any fair-minded person can deny the members of the Legislature the privilege which they themselves have accorded to all those whom they have been employing when it is a recognised fact that the cost of living has gone up immensely and a certain amount of relief has got to be given.

Now, Sir, this principle that members of the Legislature should be adequately paid had been recognised in what is known as the Mother of Parliaments, namely, the House of Commons. As you are aware, the original salary of a member of the House of Commons used to be £400 a year. Long ago it was felt that this was not adequate and it was raised to £600 a year. (RAI HARNDRA NATH CHAUDHURI: 26 years after.) Am I to understand, Sir, that the honourable member expects that all progress in this country should be on the basis of that, and every advance or step forward is to be taken in the way in which it has been taken in England? Sir, I cannot understand the logic of these objections. On the part of those gentlemen who have got big incomes and who live on the fat of the land there might be righteous indignation, but as regards people who have to live from hand to mouth they may certainly express righteous indignation if they are deprived of fair and just emoluments. But I am sure no fair-minded impartial person can doubt the justice of this increase in the emoluments of the members of the Legislature and in this matter I feel very strongly. I can assure the members of this House that there may be many M.L.A.'s who thought that they would be subjected to severe criticism if the emoluments of members were increased. (Mr. JOGESH CHANDRA GUPTA: Hear, hear.) Another multimillionaire shouts "hear, hear". I can quite understand multimillionaires shouting "hear, hear". They do not know what it is to live on Rs. 150 a month. They have got servants who cost them Rs. 150 a month. They can well afford to say taunting remarks. I think that the honourable member who has been here for a long time ought to be ashamed of his taunting remarks today. (Mr. JOGESH CHANDRA GUPTA: I can appreciate a right thing, can't I?) I again maintain that if you think that the members of this legislature shall have a salary, then the salary must be adequate and proper and I ask anybody if the members had got Rs. 150 in 1937, whether at the present time, in view of the high cost of living, in view of the extraordinary increase in the cost of living there should be any objection to the very reasonable increase that has been proposed in the salary. (A VOICE: It is a modest increase.) Yes, I am prepared to accept the suggestion that the increase is a modest increase and I am hoping that the members of this House will show good sense and without any opposition accept my motion.

Dr. NALINAKSHA SANYAL: While rising to oppose the consideration motion at this stage, I shall not emulate the manners of the Leader of the House who it appears has tried to be fencing with his words having had a bad case to get the House to accept. I shall not try to introduce any heat in the debate because, Sir, to be quite frank and honest, I am overwhelmed with the sense of responsibility in dealing with this subject. The position today is such that the whole of Bengal looks up to the conduct of its legislators in regard to the handling of the province's finance. It was only last evening that several members from the Opposition did put forward very substantive objections to passing the taxation measure. It was pointed out that at a time when Bengal stands devastated and humiliated, when in economic as well as political life, the sons and daughters of Bengal have been passing through suffering and tribulations never heard of before it would not be fair and honest on our part to impose fresh taxation on the country. It was just the same circumstances, it was just the same background, against which the Hon'ble Minister in charge of the Home Department and the

Chief Minister of the Government of Bengal is proposing to raise our own emoluments. I do submit that I accept his statement when he says that but for some provisions of remunerations to members of the Legislature, membership and service to the cause of the country as members of the Legislative Chambers would remain confined only to privileged and leisured classes. Therefore, Sir, there might be some justification for providing some minimum salary or some expenditure which may be considered as the barest minimum for keeping the workers' body and soul together. It was not on the standard of adequacy or reasonableness of the salary that the emoluments of members of this House should be judged. The salary of the Ministers and the salary of members could hardly be judged on the standard of their ability and their capacity to earn greater or less emoluments elsewhere. The only standard that we want to adopt here is the standard whether considering all the circumstances in the country the minimum workers' wages for the class of work done in the House are being provided for members of this House or not. I will not parry swords with the Hon'ble Chief Minister to prove how far some members coming from the mufassil have suffered terribly as a result of their acceptance of this public duty. Some of them, I am fully aware, are, even with the enhanced salary, likely to continue to suffer when they serve as members of this House. I should like to appeal to the Government and the House as a whole to examine whether in the background and in the atmosphere that is now prevalent in the whole province this is a fit and proper time for pursuing a legislation for the enhancement of our own salaries.

Sir, I know that in England, in Australia, in South Africa, in Canada and in other countries also there are provisions for emoluments of members. I also know that compared to the Chief Ministers' and the Ministers' salaries in those respective countries the salary of members is proportionately very, very much higher than the salaries prevailing in Bengal, but that is a matter which has to be decided in those respective countries keeping in view the standard of living and the standard of efficiency that members of the Legislature in those countries do maintain. So far as we in Bengal are concerned today we have found thousands dying and dead on the streets and in the villages, due to the ravages of malaria, cholera and small-pox, hundreds of families devastated through man-made and natural calamities and the problem of rehabilitating the whole of Bengal is facing us which will involve crores and crores of rupees. Even the little humble contribution that we might spare through allowing some kind of suffering on ourselves would be appreciated by the country. I would therefore appeal to the Chief Minister and to the majority party in the House not to press for an increase in the emoluments at least in the present atmosphere.

Sir, the question of emoluments is a delicate one naturally. We are all human beings and we all have our weaknesses and we all have our defects. But, Sir, when we have chosen to suffer and serve in the cause of the country, it is only meet and proper that we should always be in a position to know the mind of the public. And what is that mind? I ask the members of the House to go to their respective constituencies and broach this question to them and get a mandate from them and try to convince them that for them as servants of the people they ought to sanction a better salary. And if that sanction is obtained, if you can convince the public of Bengal that as their servants they are allowing you to draw higher emoluments from the public exchequer, there can be some justification. And, Sir, unless that is done, and we feel that to be an absurd proposition which cannot be sanctioned, because to a man every Bengali will now say that in the present circumstances the members of the Legislature should not try to have their remuneration enhanced, there is no case for enhancing our emoluments. That being the circumstance, that being the atmosphere, that being the background, I appeal that this legislation be dropped and not proceeded with.

With these words, Sir, I oppose the consideration motion on behalf of the Congress Party.

Mr. SASANKA SEKHAR SANYAL: Sir, on behalf of the Bengal Congress Parliamentary Party of which I happen to be the humble Chief Whip, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of December, 1945.

Mr. DEPUTY SPEAKER: What about motions Nos. 4 and 5?

Mr. SASANKA SEKHAR SANYAL: I will not move them.

Sir, I concentrate upon this motion but I may have just a little indulgence from you, Sir, in the matter of time.

Mr. DEPUTY SPEAKER: You go on.

Mr. SASANKA SEKHAR SANYAL: When in the year 1937, the basic Bill was introduced into this House, Sir, the attitude so far as we are concerned was made amply clear by our typical friend, Sj. Manindra Bhusan Sinha and at that time Mr. Abu Hosain Sarkar of the Krishak Proja Party characterised that the B. L. A. meaning the Bengal Legislative Assembly is the Bengal Lootpat Association. At that time we thought that this chapter of profiteering by the members of the Assembly at the cost of the millions whom they professed to represent was closed. Rarely did we dream that that chapter would come back towards the end of 1944 and before we ring out the old we ring in the new. Before the year goes out we are going to begin the new year with replenished pockets of the members whom the Hon'ble the Chief Minister in his profoundest courtesy had the temerity to compare with the menials under Government. Sir, the Hon'ble the Chief Minister was flowing with the milk and honey of bait when he was delivering his harangue which he meant to be a defence of this amendment. Defence, indeed, it was, but a very poor defence. Sir, the very fact that the Hon'ble the Chief Minister had to speak at length in support of the Bill by anticipating the arguments that would be advanced on behalf of the Opposition shows that he had to anticipate and had to give a very poor and halting defence. Sir, the Hon'ble the Chief Minister has referred several times to lawyers in the mafassil and he has repeatedly said that lawyers from the mufassil have got to discharge their duties in this House for four or five or six months a year and they do suffer and they require some compensation. I do not know who was in his mind but I can bring myself as a case in point. I am an humble lawyer in a mufassil district and I can assure the Hon'ble the Chief Minister that without trying to take the House or the Minister into my confidence, whatever little practice I have there and whatever little dislocation I have to undergo cannot be compensated by even three digits in the maximum. But that is not the point. I, Sir, on behalf of the lawyers who come from the mufassil and of other persons who carry on other trades and professions, on their behalf I want to make it clear that those who came on the Congress ticket were prepared for this suffering and for this dislocation. Sir, undoubtedly we suffer, but it is this suffering and sacrifice which has given us the position which we occupy here today. It is on account of the suffering that we justify to claim to hold the representative position that we do on the floor of this House. The Hon'ble the Chief Minister was very merrily referring to the dislocation and sacrifice as if this is a matter to be compensated. Does he not know that most of the persons who are occupying the Opposition Benches, not to speak of a hundred or two hundred or five hundred, earn hundreds and thousands? There are some of us who could have earned twenty times of what are being earned by any member of the Treasury Benches, but they have offered their life at the altar of the cause of the country. But I do not know what attitude the members of the Government Party have taken in this matter. I do not know how they have discussed this question in their party meeting. But so far as we are concerned we want to assure the Hon'ble the Chief Minister that we do not like our sacrifices and our services to be measured in terms of pounds, shillings and pence. The Hon'ble the Chief Minister has said that the existing emoluments are inadequate. The question of adequacy or inadequacy apart, I am

not entering into that, may I ask him who put it into his head that these emoluments are inadequate and that they should be enlarged and extended? Whom did he take into confidence? There are various matters in which the Chief Minister even informally consults the parties and leaders in the Opposition. May I ask him why did he not feel the sense of the Opposition members on this very vital point? Because, after all, the members of the Assembly are not the only persons who have been hard hit by the soaring rise in the prices. Their constituents and the millions whom they claim to represent, if they have been hard hit, if the entire economic machinery of the landless peasantry, of the artisans, of the petty manufacturers, has been thrown out of gear, is it not just and desirable that their cases and causes should be looked into first before their representatives look into their own comforts? (Cries and laughter from the Coalition Benches.) It is not a matter of taunting, Sir. After all, we are here for seven years. The province has been tired of this Legislature and this Legislature has also been tired of its members. At a time when the electors were looking forward to a new election for considering the question of sending their representatives on a fresh mandate, to enter into an unholy conspiracy and to begin relief at home is, to say the least of it, ungrateful and absolutely treacherous from the point of view of the electors. (Babu NARENDRA NARAYAN CHAKRABARTY: নেবেন না, নেবেন না।) Sir, that is a very handy argument. My good friend, Mr. Narendra Narayan Chakrabarty, with almost all his teeth unconcealed, says, we should not take. Well, we shall take not because we want and desire it, but because it is forced into our unwilling pockets.

This is what honourable Narendra Narayan Chakrabarty's spiritual guide the Hon'ble Mr Barada Prosanna Pain—I shall quote him so far this matter is concerned—said I would hand over as a present to the spiritual follower Mr Narendra Narayan Chakrabarty the whole Sermon on the Mount which was flourished from the Opposition Benches by Mr. Barada Prosanna Pain at that time—he was not Hon'ble then. "The Hon'ble Nawab Musharruff Hossain put in a very vigorous plea for the poorer section of this House. We on this section of the House are the poorest and none of us has ever asked for any allowance or salary being paid to him"—None of us has asked for it—"When this proposal was brought forward, we made an equally vigorous plea that this Act should not be foisted on us"—I repeat, Sir, this Bill should not be foisted on us—"On our left I see some Rajas, Knights, Bankers and other rich people and I think they do not want to be paid Rs. 150 per month. To their left are the European members and I suppose, Sir, I would be betraying confidence if I say that each one of them earns more than Rs. 150 per diem"—I modify more than Rs. 200 per day—"What will they do with Rs. 4-5 per day? That will not buy for them half a bottle of whisky." Sir, today it is Rs. 150, it is going to be Rs. 200. So far as they are concerned the extra is Rs. 50 per month. I think Rs. 50 will cost one bottle of whisky, subject to correction. "In front of us, we find members of illustrious houses and distinguished noble men and none of them, I take it, likes to be paid a salary of Rs. 4-5 a day. Who then, I ask, asks for salaries to be paid to members? When I heard the Hon'ble Mr. Suhrawardy supporting the amendment for an increase of the amount laid down in the Bill, which appeared to me to be an act of positive discourtesy to the Hon'ble Finance Minister, I had my suspicions. When I heard the Hon'ble Nawab Musharruff Hossain also putting forward a plea for the payment of salaries to members, my suspicion was strengthened. Notwithstanding the pleas of these Hon'ble Ministers, I shall appeal to the European members to resist this attempt to force salaries on members." Now it is an increased salary. "I shall ask them, Sir, out of sheer self-respect to decline to accept this amount. The Hon'ble Mr. Suhrawardy was pleased to observe that this amount was to be paid for the services rendered. Am I to understand, Sir, that the services honourable members render in this House are calculated by the Hon'ble Mr. Suhrawardy at the rate of Rs. 4-5 per diem."

That is how he proceeds. I make a present of this to my good friend Mr. Narendra Narayan Chakrabarty. There are interjections from the other side. Let them feel merry at what they are proposing to do. I will only make one request. I challenge the Government, let them pick up a single constituency in which the public opinion can be carried in their favour. Let us go, Sir, to that constituency (Nawabzada K. NASARULLAH: Yes, let us go). Since the Parliamentary Secretary of the Government who is a limb of Government, I understand, accepts my challenge, my challenge holds good. Let us postpone this matter, go to any constituency selected by the Ministry, or the party in power, not after the passing of this Bill; let us go there and come back with the mandate. If we are defeated, get Rs. 200 or Rs. 500. We do not mind. If you are defeated you will have to abide by our suggestions in this matter. After all this is a matter in which the defeat of the Ministry will not mean the fall of Government. It is a matter which concerns the members of this House. Why should these people be in a hurry to rush through this legislation if they are sure that they can carry public opinion with them? Sir, as I was submitting, are we justified (Maulvi AHMED ALI MRIDHA: You suggested Rs. 250). I never said that. I care a tuppence for Rs. 250. I am too proud of my poverty to be greedy enough for money.

Now, Sir, the more important question is this. Are the members of the Assembly the only class who require relief by extra emoluments? Are not there other classes who should be served with relief before we can pretend to have any claim? Look at the class of teachers. These teachers have been crying for relief for the last two years while this present Ministry was in office. It is well known to everybody that these teachers and their families are practically spending their lives in starvation. And then look at the district board and municipal employees and their members also. The Commissioners of the municipality can discharge their public function without any emoluments but the members of the Assembly must distribute their own treasure amongst themselves. The members of the district board have also discharged their duties to their clients and to their constituencies without any emoluments. (Mr. RASIK LAL BISWAS: A great hypocrite.) Look at your own face.

This district board members have been doing their functions for the public without any emoluments. The district board employees and municipal employees have not got anything extra and what is more, Sir, the landless peasantry have been suffering enormously with their back against the wall. Nothing has been done by this Ministry. Then, Sir, look at the petty artisans and the weavers and the fishermen class. All these classes have practically been wiped out of existence. (A MEMBER FROM THE COALITION BENCHES: Advocate for everybody.) Certainly, we are here to advocate their cause. (A MEMBER FROM THE COALITION BENCHES: With your heart?) Certainly; because you have no heart, because you have kept your heart outside and you are adoring the Treasury Benches. Therefore, Sir, I submit that the question as to whether Rs. 150 is inadequate is irrelevant. The question whether Rs. 200 will approach adequacy is also irrelevant. The whole question is, even if the question of inflation of prices is admitted, whether before we do even try to rehabilitate other classes and communities who are threatened with extinction, we for ourselves should agree to this distribution of booties among us.

Then, Sir, there is another matter and that is a special concern so far as we the Opposition are concerned. Many of our friends and fellow-workers including members of the Assembly are inside the jail. Their families—several thousands—are starving from chill penury. The present Government has declared the policy to be liberal in respect of their allowances but even in spite of this liberal policy and their national approach to the question, we maintain from this side that families are still starving and they are being steeped in penury and destitution. So from this side of the

House we must say that before these political prisoners are properly treated in respect of their amenities we cannot be a consenting party to this extra consideration for ourselves.

Sir, then there is another matter and that is a matter which affects everybody, the question of the moral look that we shall have before the public. Already, Sir, the very fact that we have after coming to this Assembly given ourselves fixed salaries per month, that itself has taken away from us the dignified look that a member of the Legislature is supposed to possess. Sir, after all a membership is not an occupation, it is not a profession; it is a service to be rendered. I do not know how Nawabzada K. Nasarullah and Khan Bahadur Mohammed Ali are looked upon by their constituencies. But so far as we are concerned, we are sure that we have got a proud position in the heart of our constituents, and we do not like to corrupt ourselves, we do not like to taint our position by accepting petty emoluments from the hands of the Government. (Khan Bahadur MOHAMMED ALI: It is not compulsory.) It is not a question of "compulsory". The whole question is the morale of the matter. (Khan Bahadur MOHAMMED ALI: Don't draw your salary.) The whole question is are you going to agree to being converted into mercenaries? We are like mercenaries if you are greedy for your own profit here. Do you agree to that? You are here to serve; you cannot create vested interests. After all, if you think that you cannot serve your constituencies without extra remuneration, the solution is not in the asking for remuneration, the solution is in vacating office, so that new men who are willing to serve their constituencies even at the cost of hardship, can come in. (Khan Bahadur MOHAMMED ALI: So that Nawabs, Rajas, capitalists might come in). We are not Rajas and Nawabs; we are men belonging to the poorest section to the communities, and we are here to serve our constituents. As soon as we will find that we are unable to make adjustments with our income, we shall not hesitate to vacate in favour of any other poor men of the community. Therefore, on behalf of the Bengal Congress Parliamentary Party and on behalf of our constituents, we submit that we cannot be a party to this demoralizing proposal which Government are bringing in. (Khan Bahadur MOHAMMED ALI: Sir, how many more minutes the honourable member will take?) The question of minutes is not your concern; it is the concern of the Deputy Speaker and myself.

Sir, I assure you that we are approaching this question from an absolutely different angle of vision. (Cries of "oh", "oh" and noise from the Coalition Party.) It is not a question of pound, shilling and pence. I am sorry that the proud representatives of the people have been so much given to demoralization that even when the Hon'ble the Chief Minister compared their position with that of the menials, they enjoyed it very merrily. Why do they clamour for extra remuneration? I know that members on the Government side are being patronised through standing committees, select committees, and other means and every month they are getting much more than their ordinary salary. Therefore they have no reason to complain.

(At this stage the blue light was lit but the honourable member was allowed to continue his speech.) Sir, these people have got various patronages in the hands of Government. They are also enjoying through unknown sources. Still I do not understand why are they so much greedy for extra remuneration. We appeal to them that, in fairness to themselves, in fairness of the poor people whom they represent, in fairness to the good name of the House, and in the interests of the dignity and the position that they occupy, they should reconsider this matter. Even if they are so much given to this demoralization, we on behalf of the Opposition, stoutly oppose this measure, and I move that the matter be referred for circulation for the purpose of eliciting public opinion.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment).

Babu NARENDRA NARAYAN CHAKRABARTY: Mr. Deputy Speaker, Sir, on a point of personal explanation.

আমার বন্ধু শ্রীযুক্ত শশাঙ্কশেখর সান্যাল তাঁর বক্তৃতার প্রতি ছ'মিনিটে একবার করে আমার নাম উচ্চারণ করেছেন। সেজন্য আমি প্রথমে তাঁকে ধন্যবাদ জ্ঞাপন করছি। আমি শুধু একটা কথা বলব। তিনি বক্তৃতার মধ্যে বলেছেন রাজবন্দীদের সম্বন্ধে; আমি সেই প্রসঙ্গে এইমাত্র বলছি যে, যে পক্ষ থেকে শশাঙ্ক বাবু whip বলে এই পরিষদে পরিচয় লাভ করেছেন--

Mr. DEPUTY SPEAKER: Order, order. Have you got anything to say so far as your personal explanation is concerned? If so, just say that, you cannot make a speech now.

Babu NARENDRA NARAYAN CHAKRABARTY: শুধু এইমাত্র তাঁকে জানাতে পারি আমার তরফ থেকে যে তাঁর দলস্থ প্রতিটি সভ্য যদি বাড়তি ৫০৲ টাকা রাজবন্দীদের সাহায্যের জন্য দেন, তাহ'লে আমি সর্বাগ্রে সেই সাহায্য সমিতিতে এই ৫০৲ টাকা বরাবর দিয়ে যাব। (Cheer).

Mr. DEPUTY SPEAKER: It is not a point of personal explanation.

Babu NARENDRA NARAYAN CHAKRABARTY: Sir, let me complete my sentence.

Mr. DEPUTY SPEKER: Order, order. Yes, Khan Bahadur.

Babu NARENDRA NARAYAN CHAKRABARTY: Sir, I want to speak a few minutes more.

Mr. DEPUTY SPEAKER: I have already asked Khan Bahadur Haji Badi Ahmed Chowdhury to speak. You will have your chance later.

Yes, Khan Bahadur.

Khan Bahadur Haji BADI AHMED CHOWDHURY: Sir, I beg to move that the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 31st March, 1945.

আমাদের বৃদ্ধিহারে বেতন দেওয়ার যে বিল এই পরিষদে আনা হইয়াছে, সেই সম্বন্ধে আমি দুই-একটা কথা আমার নিজের অভিজ্ঞতা থেকে আপনাদের নিকট পেশ করিতেছি। আজকে এই আইনটা পরিষদে আসার সঙ্গে সঙ্গে আপনারা দেখেছেন--মন্ত্রী সমর্থক দলের মধ্যে হাসির লহর ও আনন্দের ছড়াছড়ি দেখা দিয়াছে। তাহাদের এই হাসি ও আনন্দ কেন--তাহা আমি সংক্ষেপে আপনাদের কাছে বলিতেছি। আপনারা নিশ্চয় একটু ধীরভাবে তাহা শুনিবেন। (A VOICE: আচ্ছা শুনছি--আপনি ধীরভাবে বলুন।) কোন ধর্ম্ম কাজ করিতে হাসির লহর ছুটে না--বরং পাপ কাজ করিতেই আনন্দ ছুটে। আমি বলি, আপনারা জনসাধারণের প্রতিনিধি, আপনাদের হাতেই কোটী কোটী টাকা ব্যয় বরাদ্দ করিবার ক্ষমতা জনসাধারণ, বিশেষ করিয়া ভোটারগণ, দিয়াছে। আপনারা তাহাদের রক্তমাংস শোষণ আরম্ভ করিবার পূর্ব্বে একটু চিন্তা করা এবং তাহাদিগকে একবার অবগত করা কি অন্যায় মনে করিতেছেন' তাহা বুঝি না? নিজেদের হাতে ক্ষমতা আছে বলিয়াই কি এই টাকা বাড়াইবার প্রস্তাব করিতেছেন? আমার মতে যদি টাকাটা বাড়াইবার আপনাদের নিতান্তই ইচ্ছা হয় তাহ'লে আমি এই সংশোধন প্রস্তাব করি যে, এই আইনের খসড়া জনমত সংগ্রহের জন্য প্রচার করা হউক এবং ৩১শে মার্চ্চ, ১৯৪৫ সাল মধ্যে দেশের লোক কি প্রকার মতামত দেন, তাহা দেখিয়া দরকার মনে করিলে তখন মেম্বরদের বেতন বৃদ্ধির প্রস্তাব করিতে মেম্বরদিগকে, বিশেষতঃ স্যার নাজিমুদ্দিন সাহেবকে, অনুরোধ করিতেছি। আপনারা যে টাকা নেওয়ার বরাদ্দ ব্যবস্থা করিতেছেন, তাহার সংখ্যা কত দেখুন। উভয় পরিষদের মিনিষ্টারগণকে বাদ দিলেও আরও প্রায় ৩০০ মেম্বরের অধিক আছে। এক জনের জন্য ২০০৲ টাকা বরাদ্দ করা হইলে মাসে তাঁদের ৬০,০০০ টাকা, বৎসরে ৭ লক্ষ ২০ হাজার টাকা নিজে নিজে আত্মসাৎ করার ব্যবস্থা করিতেছেন। এ টাকা শুধু বেতনের বরাদ্দ। তার উপর যাতায়াত খরচ বাবদ, দৈনিক খোরাকী ও ভাতা বাবদ বহু লক্ষ টাকা নিতেছেন ও নেওয়ার ব্যবস্থা করিতেছেন। আপনারা হাতে ক্ষমতা পাইয়াছেন বলিয়া এইরূপ অগোচরে জনসাধারণের টাকা লুট করিবার বা আত্মসাৎ করিবার উপায় না করিয়া অন্ততঃ আইনটা দেশে প্রচার করুন ও মতামত সংগ্রহ করুন। আপনারা আমার এই প্রস্তাব শ্রবণে ধৈর্য্য হারাইতেছেন তাহার কোন কারণ হইতে পারে না। আপনারা মন্ত্রিত্বের আশ্রয়ে থাকিয়া অনেকে কন্ট্রাক্টরী, দোকানদারী, দালালী প্রভৃতি পাইয়া

তাদের সমর্থন করিতেছেন। আপনারা ইউরোপীয়ানদলের সর্ব্বপ্রকার দাবীদাওয়া দিয়া, সর্ব্বপ্রকার ট্যাক্স হইতে তাহাদের নানা প্রকারে রেহাই দিয়া নিজের দলে রাখিয়াছেন। কাজেই আপনারা ভোটের জোরে এই আইন পাশ করিতে পারিবেন। এজন্য ভাবনা বা হৈ চৈ কেন? আপনারা নিজে এখন মাসিক ৫০০৲ টাকা হইতেও বেশী নিতেছেন। তাহাতেও আপনাদের কুলায় না—অথচ আরামে আমোদ-প্রমোদ ভিন্ন Assemblyতে কি কাজ করিয়া যাইতেছেন? অথবা কয়দিনই বা এখানে থাকেন? বাড়ীতে নিজ নিজ কাজ করিয়া আরামে ঘুমাইয়া ঘরে বসিয়া বেতনটি পাইতেছেন ও নিতেছেন, তাহা অন্যায় নহে কি? কয়টি কাজ আপনারা করেন? এরচেয়ে ঢের ঢের বেশী কাজ করেন ইউনিয়ন বোর্ডের মেম্বাররা, D. S. বোর্ডের মেম্বাররা, ডিষ্ট্রীক্ট বোর্ডের মেম্বাররা—গণসালিশী বোর্ডের মেম্বাররা। এবং এছাড়া আরও নানা জনহিতকর প্রতিষ্ঠানগুলিতে লোক দিবারাত্র খাটিতেছে তাহাদের জন্য কোন বেতন বা ভাতা বরাদ্দের দরকার হয় না। দরকার কেবল এই Assembly মেম্বরদের হইয়াছে। আপনাদের পাশে যে চাপরাসী, বেয়ারাগণ দাঁড়াইয়া আছে ও দরজায় যে কেরাণিগণ আছে তারা সামান্য বেতনে দিবারাত্র খাটনি দিয়া মাথার ঘাম পায় ফেলিতেছে, নিজেদের পরিবার রক্ষা করিতে পারিতেছে না—অথচ তাহাদের জন্য কিছু সদ্ব্যবস্থা না করিয়া নিজেদের বেতন বৃদ্ধি করিতেছেন। আমাদের বেতন দুইশত টাকা হইলে তাহাদের বেতন ৩০৲ টাকা হওয়া যুক্তিযুক্ত কারণ নহে; আমাকে প্রশ্ন করা হইতেছে, আমি বেতন নিব কি না এই প্রসঙ্গে আমি বলিতেছি আমার বেতন নেওয়ার ইচ্ছা আমার বক্তৃতা হইতেই আপনারা পাইতেছেন। আপনাদের এই অন্যায় বরাদ্দ টাকা আমি নিতে প্রস্তুত নহি বরং টাকাগুলি অনর্থক নষ্ট হইবে দেখিয়া নিলেও, আমি নিশ্চয় করিয়া বলিতে পারি, ঐ টাকা আমি আমার কেন্দ্রে ধর্ম্মশিক্ষার প্রতিষ্ঠানে ব্যয় করিবার ব্যবস্থা করিয়া দিব। এখানে খানবাহাদুর ফজলুলকাদের সাহেব আছেন, তিনি জানেন আমি শিক্ষা-প্রতিষ্ঠানে কি দান করিয়াছি ও করিতেছি। বরং সেই দানের হার বাড়াইব। চট্টগ্রাম ও নোয়াখালির হাইস্কুল ও মাদ্রাসাগুলি তাহার সাক্ষ্য দিতেছে এবং বনিগ্রাম হাইস্কুলের খেলার মাঠের জন্য আমি ২৫ বিঘা জমি দান করিয়াছি যাহার মূল্য ৫,০০০৲ টাকা। (Interruption from Government Benches),

Mr. DEPUTY SPEAKER: Order, order.

Khan Bahadur Haji BADI AHMED CHOWDHURY: আমি চোর নই, চুরি করি নাই। (laughter) টাকা চুরি করিয়া নিয়েও দান করা ভাল। আপনারা চীৎকার করিতেছেন আমি পরের জমি লুট করিয়া ধনী হইয়াছি, কিন্তু তাহার উত্তরে আমি বলি আপনাদের মনিবের ন্যায় চোর নহি। প্রজার জমি লুট করা কোন জমিদারের ইচ্ছা হইতে পারে না। বরং প্রজাপালনই জমিদারের কর্ত্তব্য, আমিও ঐরূপ জমিদার। ন্যায়-ধর্ম্ম আছে বলিয়া খোদাতালা আমাকে জমিদারী দিয়াছেন। (A VOICE: ও হো হো।) সাবধান বাজে কথা বলিবেন না। আমি আপনাদের ন্যায় টাকার পিপাসায় পরের দলে জুটিব না। আমি আরও দু'একটি কথা বলিতেছি। আপনাদের বেতন বর্ত্তমানে দেড়শ' টাকা, তাহা বার মাসে হয় ১,৮০০৲ টাকা। সুতরাং কোন (income-tax) দিতে হয় না। এখন মাসে আরও ৫০৲ টাকা বাড়াইলে সাহেব বন্ধুদের income-taxএর পাল্লায় পড়িতে হইবে। শুধু tax দিলে চলিবে না। বৎসর বৎসর মোট সর্ব্বপ্রকার আয়ে কত টাকা ইত্যাদিরও হিসাব দিতে হইবে, তদজন্য কি ব্যাপার দাঁড়াইবে চিন্তা করুন। বেতন নিলে কি ফল দাঁড়াইবে, তাহা আমি আপনাদের নিকট নিবেদন করিতেছি। আপনারা এখানে যাঁহারা হাসিতেছেন, তাঁহারা নিশ্চয়ই জানেন electionএ সময় কত টাকা ব্যয় করিয়া Assemblyতে আসিয়াছেন। এই বেতনের টাকা নিয়া এখন বিষ খাওয়ার ব্যবস্থা করিতেছেন এখন ভোটারেরা টের পাইয়াছে আপনারা বহু সহস্র টাকা এতদিনে পাইয়াছেন, পাইতেছেন ও পাইবেন। এখন ভোটের জন্য আপনাদের কেন্দ্রে গেলে সুদে-আসলে সেই টাকার অংশ ঘুষ হিসাবে তাহাদের দিতে হইবে। দেশে যে রাস্তা, ঘাট, স্কুল, মাদ্রাসা, মসজিদ, মন্দির ইত্যাদি নানা প্রতিষ্ঠান আছে তাহাতে এই টাকা দিতে হইবে। ১৯৩৭ সালের এই গভর্ণমেণ্ট হইবার আগে যখন আমি প্রথম মেম্বর হই তখন এই বেতনেরও বিধান ছিল না, বা ভোটারকে টাকা দেওয়ার বা নেওয়ার কোন প্রথা ছিল না। আপনাদের এই বেতন নেওয়ার ফলে ঘুষের ছড়াছড়ি হইয়াছে। আমাদের বন্ধুবর মৌলবী নুর মহম্মদ সাহেব আমার সঙ্গে Upper Houseএ electionএর সময় তাহার কত টাকা গিয়াছে। স্যার নাজিমের চিঠি, মিঃ জিন্নার চিঠি ও ফজলল হক সাহেবের চিঠি দিয়াও ভোটারদের টলাইতে পারে নাই। কেহ ভোট দেয় নাই। পরে বাধ্য হইয়া শত শত টাকা তাহাদের দিতে হয়। তেমনি আমার বন্ধুবর আজিম সাহেবও ভোটারদের টাকা ঘুষ দিয়া নির্ব্বাচিত হন। কিন্তু হাইকোর্ট বিচার করিয়া তাঁহাকে দোষী সাব্যস্ত করেন। আজ পর্য্যন্ত তিনি disqualified আছেন। তাই আমি আরও বলিতেছি আপনারা অনুগ্রহ করিয়া দেশে অনাচার সৃষ্টি করিবেন না। এই বেতন আপনারা নিবেন না। (A VOICE: আপনি নেবেন না?) আমি প্রথমে বলিয়াছি—এককথা আমি নিব না যদি নেই (laughter.) প্রত্যেক মাসে আমার বেতন আসামাত্রই তখন তখন বরাদ্দমত সেই টাকা প্রত্যেক সদনুষ্ঠানে দিয়া থাকি।

আমি আবার আপনাদের অনুরোধ করি এই টাকাটা বরাদ্দ করিবার আগে দেশের সকলের মতামত সংগ্রহ করুন। দেশ কি চায়, যাহাদের টাকা নিতেছেন তাহারা রাজী আছে কিনা, সেইটা আগে স্থির করুন। আমি আশা করি এই বিল পাশ হইলে আপনারা ১৯৪৫ সালের ১লা জানুয়ারী থেকে বেতন পাইবেন। এক বছর পরে বিলটি পাশ হইলে বেতন পাওয়ার অসুবিধা হইবে না। সুতরাং জনমত সংগ্রহ করিয়া টাকা নেওয়ার ব্যবস্থা করুন।

Rai HARENDRA NATH CHAUDHURI: Mr. Deputy Speaker, Sir, I beg to move by way of amendment that the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944, be circulated for the purpose of eliciting opinion thereon before the 31st of January, 1945.

Sir, after the elaborate speech of my honourable friend Mr. Sasanka Sekhar Sanyal in support of a similar motion I could have dispensed with my speech altogether. But after hearing the misleading, ill-informed and unmannerly speech of the Leader of the House with which he has introduced the Bill, I am sorry I cannot refrain from speaking a few words on this subject.

Sir, in reply to an interjection from me the Hon'ble the Leader of the House flew into what perhaps he thought, a righteous indignation and made certain remarks against those who enjoyed fat from the land. Sir, I no doubt derive an humble income from my paternal property, but whether more fat can be acquired out of paternal estate or from a Minister's emoluments only an expert in gaining fat like the Leader of the House can say as he enjoys both kinds of income.

Now, Sir, to come to the motion before the House. The Leader of the House endeavours to mislead the House by pointing out that there is a system of payment to members in the Mother of Parliaments—the House of Commons, but forgets to say that it is a modern innovation. Throughout the long chequered history of the House of Commons there was no system of payment of salary to the members. It was only in 1911 that the system was introduced. In the General Election of 1910 the Leader of the Liberal Party announced to the country that if the Liberal Party got into the House with a majority they would try to introduce with the approval of the House the system of payment of members' salary. Sir, when the proposal of payment of members' salary was made by way of a resolution by Mr. Lloyd George in August, 1911, in reply to a question from the Opposition whether he had the consent of the country, he observed "I will read what the Prime Minister said: I ask, could anything be more specific on the eve of going to the electors just before announcing dissolution than the words used by the Prime Minister? He (the Prime Minister) said: 'I may say at once that it is the intention of the Government, if they have the opportunity and the requisite parliamentary following next year, to propose a provision out of the public funds for the payment of members and they think, that the intention being announced before the General Election takes place, there will be no constitutional impropriety in the proposal being made effective if Parliament thinks fit, in the Parliament, after the General Election'."

Sir, so this system was introduced in the House of Commons, if not with a mandate from at least with the knowledge and approval of, the country.

Sir, we are enjoying the members' salary in pursuance of a permissive provision in the Constitution Act. The question was not before the electorate at the last General Election. (Mr. RASIK LAL BISWAS: The Act was passed before that election.) You ought to understand that was impossible. The question was not before the electorate at the last General Election. I therefore propose, Sir, that when we are going to increase the salary of the members, at least the country be consulted even now. That is the meaning and purpose of my amendment.

Then, Sir, the Hon'ble the Leader of the House attempted to mislead the House by saying that Parliament also increased the members' salary: Mr. Lloyd George's resolution provided only for a salary of £400 a year, and now the members of the House of Commons are getting £600. True, but the original salary of £400 fixed in 1911 was increased to £600 by the Appropriation Act of 1937, that is 26 years after the institution of the original salary. But when are we going to increase our salary? Our salary was fixed in 1937 and we are going to increase it in 1945 in the same term. Therefore I submit that the increase of the members' salary in the House of Commons is no parallel at all to the proposal that has been made here. Sir, in 1937 the members' salary was fixed at £600 in the House of Commons; and surely England is suffering from high and abnormal cost of living if India is doing so, but they in England have not as yet thought fit to revise the members' salary again.

Khan Bahadur MOHAMMED ALI: The cost of living has not increased so much there.

Rai HARENDRA NATH CHAUDHURI: About the cost of living and the question of increment due on that account, I suppose the members of the House have not so forgotten their self-respect as to think that after all what is paid to them is a salary. What is paid to them is not salary at all: it is not a remuneration or recompense for the services rendered by them: it is just an allowance and nothing more At least in that light it has been viewed in all the Legislatures outside this country. If you, on the contrary, choose to say that we get a salary and as salaried men are going to have an increase in their salary, we also should have that, that is altogether a different question, but that argument will only degrade this House. In what view members' salary was proposed in the House of Commons? Let me read out another portion from Mr. Lloyd George's speech with which he introduced the resolution of 1911. He said, "When we offer £400 a year as payment of members of Parliament, it is not a recognition of the magnitude of the services, it is not a remuneration, it is not a recompense, it is not even a salary; it is just an allowance, and I think *the minimum allowance to enable men to come here*, men who would render incalculable services to the State and whom it is an incalculable loss to the State not to have here, but who cannot be here because their means do not allow it."

Sir, can we say that a salary of Rs. 150 *plus* travelling allowance, *plus* daily allowance, is not quite sufficient to maintain us and keep our body and soul together? That it is not just "the minimum allowance" that ought to be paid, having regard to the income of the people of this country. What allowance do the Government consider fair and proper and reasonable in respect of the security prisoners or the State prisoners? You keep them in jail for, what you say, security purpose; you starve their families, and what a pittance do you pay as their family allowance? Rs. 30, or 40, or 50—not Rs. 150. (Khan Bahadur MOHAMMED ALI: Yes, Rs. 100, Rs. 150.) In one or two cases. Do not quote exceptions as rule. That is merely a fake. You generally consider Rs. 30, Rs. 40, Rs. 50—any amount below Rs. 100—quite sufficient for the maintenance of the family of a State prisoner and you come forward to say that you cannot keep your body and soul together if besides other emoluments, the salary of Rs. 150 be not increased. It is an argument which can only be advanced within the four walls of this Chamber. It can never be advanced in the country outside, Sir, as they are sure that the country will not approve of such an increase. We suggest by our amendment that the matter be referred to the country and public opinion be elicited on the subject.

The motion of Mr. Sasanka Sekhar Sanyal that the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944, be circulated for

the purpose of eliciting opinion thereon by the 31st day of December, 1945, was then put and a division taken with the following result:—

AYES—51.

Abdul Majid, Maulvi (Mymensingh).
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Fazlul Huq, Mr. A. K.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Hashem Ali Khan, Khan Bahadur Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Mafizuddin Ahmed, Dr. (Bogra).
Majumdar, Mrs. Hemaprova.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Wallur Rahman, Maulvi.

NOES—83.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Majid, Mr. Syed (Noakhali).
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Birkmyre, Sir Henry, Bart.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Gladding, Mr. D., C.I.E.
Gomes, Mr. R. A.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Ghasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Leisk, Mr. John.
McIntosh Mr. G., C.B.E.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Maniruddin Akhand, Maulvi.
Methold, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Roy, Mr. Dhananjoy.
Sahruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Serajul Islam, Mr.
Shahaduddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.

Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Therman, Mr. C. M.
Walker, Mr. J. R.
Walker, Mr. W. A. M., C.B.E.
Zahur Ahmed Choudhury, Maulvi.
Zaman, Mr. A. M. A.
Zillur Rahman Shah Choudhury, Maulvi.

The Ayes being 51 and the Noes 83, the motion was lost.

The motion of Khan Bahadur Haji Badi Ahmed Chowdhury that the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 31st March, 1945, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944, be circulated for the purpose of eliciting opinion before the 31st of January, 1945, was then put and lost.

The motion of the Hon'ble Khwaja Sir Nazimuddin that the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Mr. DEPUTY SPEAKER: Mr. Sanyal, amendments Nos. 6-7 are negative, but you can speak on them.

Mr. SASANKA SEKHAR SANYAL: Yes, Sir; although technically our amendment is out of order still, Sir, since we wanted a negative purpose to be served, shall speak against that particular clause.

As has been amply indicated by the speeches that have just preceded, we are not going to be a party to this measure which we consider to be highly immoral and unjust. Sir, as has been amply indicated by the speech of Rai Harendra Nath Chaudhuri, we are here to serve the cause of the public, and if we get anything as an allowance, the allowance which is given to us is sufficient and if we propose to take something extra it will be an injustice to ourselves and to our constituents. Therefore, Sir, I oppose clause 2.

Then, Sir, I beg to move that in clause 2(*1*), line 2 of the proposed section 3, for the words "two hundred" the words "one hundred and fifty-one" be substituted.

Sir, I wanted to be in order technically. Therefore, I had to put it in this way. I again repeat, Sir, that we are not supporting this idea of increasing the salary which is an allowance and therefore I propose that my amendment be accepted.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that——

Maulvi ABDUR RAZZAQ: মাননীয় Deputy Speaker মহোদয়, আমি প্রস্তাব করিতেছি যে——

Mr. DEPUTY SPEAKER: You can move your amendment after Mr. Chaudhuri has finished.

Rai HARENDRA NATH CHAUDHURI: I beg to move that in clause 2(*1*) in the proposed new section 3, for the words "date on which he takes his oath" in line 4, the expression "the first day of January, 1945" be substituted.

I beg to move also that in clause 2(*1*) the proviso to proposed section 3 be omitted.

Sir, the meaning of my amendments is that retrospective effect should not be given even if increment of salary be decided upon. If the House choose to vote in favour of increment of salary, at least that increase ought to take effect not from any previous date but from the 1st day of January, 1945.

Sir, no retrospective effect, I submit, should be given to such a proposal and no case has been made out for giving any retrospective effect. I do not know whether the Ministry that is now functioning sought the support of the majority of members by promising them that, if it came to power, it would increase the members' salary. Whether such a pledge was given by the Ministers to the present members of their party or not, whether the support of the majority was secured in that way or not, I do not know. But if effect can be given retrospectively from the 1st day of January, 1944, why not give effect to increase from the 1st of May, 1943, since the time this Ministry came into power? Why fight shy of those six or seven months of 1943? Every one knows that 1943 was the famine year and surely if the people were hard hit by the famine, the members also were so hit. On such a specious plea this increase might take effect from 1943 at least from the date on which this Ministry came to power. Why then fight shy of these six or seven months if you are inclined to give effect to this increase in salary retrospectively? Shamelessness, Sir, cannot go any further. It is the height of shamelessness to propose that in the present state of the province the members' salary should not only be increased but increased with effect from January 1, 1944. In that view I suggest if the increase be at all decided upon, let the increase take effect from the 1st of January, 1945. There must be no retrospective increase. In the matter of daily allowance provision has been made for prospective increase and not retrospective increase. Why then in the case of salary should the increase have retrospective operation? What is the distinguishing feature between increase in respect of salary and increase in respective of allowance, I hope that the Hon'ble Minister will be pleased to explain.

Maulvi ABDUR RAZZAK: Sir, I beg to move that in clause 2(*1*) in line 2 of the proposed section 3 of the Act for the word "two" the word "one" be substituted.

আমি প্রস্তাব করিতেছি যে এই পরিষদে member সাহেবদের যে বেতন বৃদ্ধির প্রস্তাব করা হইয়াছে তাহা নাকচ করিয়া ২০০৲ টাকার যায়গায় ১০০৲ করা হউক। Deputy Speaker মহোদয়, দেশের এই দুর্দিনে member মহোদয়গণের বেতন বৃদ্ধির প্রস্তাবের দিকে দৃষ্টিপাত করিলে লজ্জায় মাথা অবনত করিতে হয়; কেন না member মহোদয়গণ হলেন জনসাধারণের প্রতিনিধি এবং বিলাতের আইন অনুযায়ী বেতনভোগী চাকর। চাকরের বেতন বৃদ্ধি করিবার উপযোগী কখন হয় যখন মনীবের ভাল কাজ করিয়া থাকে। বর্ত্তমান মন্ত্রীর দল, বর্ত্তমান Parliamentary Secretaryর দল এবং তাঁহাদের সমর্থকগণ দেশের যে সর্ব্বনাশ করিয়াছেন তাহাতে তাঁহাদের বেতন বৃদ্ধি পাওয়ার কথা দূরে থাকুক, বেতন হ্রাস পাওয়া দরকার। কেন না তাহাদের কার্য্যের দ্বারা দেশের ভয়ানক ক্ষতি হইয়াছে। আমি নিম্নে তাহার কয়েকটি ব্যাপারের আলোচনা করিতেছি :—

প্রথম হলো এই যে, বিগত দুর্ভিক্ষের সময় এই বর্ত্তমান মন্ত্রিমণ্ডলী এবং তাঁহাদের সমর্থকগণ দেশের খাদ্য সংগ্রহ করিতে পারেন নাই; বরং তাঁহারা এই পরিষদে ভোট দিয়া দেখান যে দেশে খাদ্যদ্রব্যের অভাব হয় নাই। তাহার ফলে এদেশের চল্লিশ লক্ষ লোক না খাইয়া মারা গিয়াছে। দ্বিতীয়, এই মন্ত্রিমণ্ডলী বিক্রি-কর আইন দ্বিগুণ করিয়া পাশ করেন এবং কাপড়ের controlled দোকান খুলিয়া দেশবাসীকে বিব্রত করিয়াছেন, যাহার ফলে কাপড়ের মূল্য অতিমাত্রায় বৃদ্ধি পাইয়াছে। গরীব জনসাধারণ শীতের দিনে শীত নিবারণ করিতে পারিতেছে না; লক্ষ লক্ষ লোক উলঙ্গ, অর্দ্ধোলঙ্গভাবে জীবন যাপন করিতেছে। যাহাদের কিছু কাপড় ছিল মন্ত্রিমণ্ডলী নানা-বিধ কোম্পানী খুলাইয়া, এবং তাঁহাদের সমর্থকদের দ্বারা controlled shops খুলাইয়া ঐ কাপড়গুলি চোরা বাজারে অতি মূল্যে বিক্রয় করিতেছে। খবরের কাগজে দেখা যায় যে কয়েকদিন হইল দালিয়া কোম্পানীকে ১০০ bale কাপড় দেওয়া হইয়াছে, এই কাপড় কোম্পানি চোরা বাজারে বিক্রয় করিয়া প্রভূত লাভ করিয়াছে। তৃতীয়, কৃষি-আয় কর বিল পাশ করিয়া তাঁহারা এই দেশের সর্ব্বনাশ সাধন করিয়াছেন। কারণ চাষিগণ চাকর ও গরুর অভাবে নিঃস্বহারা হইয়া চাষবাস ছাড়িয়া দিতে বাধ্য হইয়াছে। কৃষি-মন্ত্রী মহোদয় বৈরনসিং জেলার কোন গ্রামে

বক্তৃতা দিয়ে, নিরক্ষর চাষিগণকে বুঝাইয়াছেন যে বাংলার সরকার হইতে এবার চাষিগণকে এক কোটি টাকা loan দেওয়া হবে; ইহাদ্বারা চাষিগণ গরুর অভাব দূর করিতে পারিবেন। এক কোটি টাকা পাঁচ কোটি লোকের মধ্যে শতকরা ৮৫ জন কৃষককে বিতরণ করিলে কি অভাব মিটিবে তাহা আমি বুঝিতে পারিতেছি না। যদি এই এক কোটি দেওয়ায় তাহাদের অভাব না মিটে আমি পরিষদের membergণকে জিজ্ঞাসা করিতেছি এই মন্ত্রীর দল এবং Secretaryর দলকে ইহার ব্যবস্থা কিছু করিতে পারিবেন কিনা। চতুর্থ, এই মন্ত্রিবর্গ পাটের সর্বনিম্ন দর বাঁধিয়া না দেওয়ায় দেশের সর্বনাশ সাধন করিয়াছেন। তাহাদের দলের অনেক memberদের যে কোম্পানী আছে তাহাদের দ্বারা বহু টাকা ক্ষতি করিয়াছে এবং সেদিন Opposition Partyর member মৌলভী সৈয়দ বদরুদ্দুজা সাহেব যে পাটের সর্বনিম্ন মূল্য নির্দ্ধারণ করিতে প্রস্তাব করিয়াছিলেন, এই মন্ত্রীর সমর্থকগণের voteএর জোরে তাঁহারা তাহা নাকচ করিয়া দিয়াছেন। তাহার ফলে এদেশের শ্রমিক কৃষক, ৪০ কোটি লোক, ক্ষতিগ্রস্ত হইয়াছে। এই সব নানা কারণে তাহাদের বেতন বাড়া দূরের কথা বেতন কমানো উচিত। যদি কোন স্বাধীন দেশের membergণ এই রকম কার্য্য করিয়া থাকতেন তাঁহাদের বেতন বাড়া দূরের কথা, membershipএ ইস্তফা দিতে বাধ্য করতেন। (Hear, hear.) আমি Governmentএর মেম্বর মহোদয়গণকে অনুরোধ করি আপনারা দেশে যান; সেখানে আপনাদের গলায় কি পুষ্পমাল্য পাইবেন, না জুতার মাল্য পাইবেন তাহা দেখিয়া আসুন। আপনাদের এই প্রজাগণ জুতার মাল্য দ্বারাই অভিষিক্ত করিবে। কথা হইলো, membergণ আপনারা, Government supporter এবং যাঁহারা Government পরিচালনা করিয়া থাকেন তাঁহারা নিজেদের বেতন বৃদ্ধির ব্যবস্থা করিতেছেন, কিন্তু চাপরাশী হইতে কেরাণী পর্য্যন্ত সমস্ত কর্ম্মচারিগণ আপনাদের গরীব চাকরদের বেতন বৃদ্ধির একটি অংশও এই বিলে নাই। মোট কথা হইল এই যে, আপনার বেতনের এক তৃতীয়াংশ বা শতকরা ৩৩ ভাগ বৃদ্ধি করিয়াছেন, আর ঐ গরীবদের কাহাকে war allowance 10 per cent., 12 per cent. করিয়া দিয়াছেন। তাতে একটি আমার গল্প মনে পড়িল। গল্পটা এই: একটা জেয়াফতে গ্রামের মোড়ল ও মাতব্বর খাইতে বসিলেন। যখন গোস্ত আনা হইল তখন তাহারা বলিল, "মারো হামারে শির্ পর", যখন পোলাও, কোরমা আনা হইল তখন ঐ মোড়লগণ বলিল, "মারো হামারে শের্ পর", যখন ডাল আনা হইল তখন বলিল "গরীবকো খায়লও"। এই মন্ত্রিগণ আড়াই হাজার, তিন হাজার টাকা মাইনে পাচ্ছেন, controlএর তেল, চিনি ডাল, চুরি করিয়া কত টাকা করিয়াছেন তাহার সীমা নাই। এ দিকে এই গরীব যারা ২৫৲।৩০৲ টাকা বেতনের চাকরী করে তাহাদের 10 per cent., 3 per cent., 2 per cent. war allowance দিচ্ছেন। এর চেয়ে লজ্জার কথা আর কি হতে পারে? তাঁহাদের অবসান বোধ হয় অতি শীঘ্র হইবে তাহাতে আমার সন্দেহ নাই।

Mr. SASANKA SEKHAR SANYAL: Sir, I want to speak on amendments Nos. 12 and 19-20.

Mr. DEPUTY SPEAKER: In that case you move your amendment Nos. 19-20.

Mr. SASANKA SEKHAR SANYAL: It is not necessary. I am speaking on both.

I beg to support the amendment of my friend, Mr. Razzak. His amendment is based upon a very scientific ground, namely, that since the daily allowance is going to be increased from Rs. 10 to Rs. 15, therefore, a very good case exists for reducing the salary from Rs. 150 to Rs. 100. After all, a member is supposed to have dislocated business during the sittings of the Assembly here and if in that view of the matter the stay in Calcutta seems to be impossible or difficult unless in the present day his daily allowance is increased from Rs. 10 to Rs. 15, some case may exist for that but to that extent the salary ought to be reduced and therefore I support the motion No. 12.

Then with regard to motion Nos. 19-20, I would ask the Hon'ble the Leader of the House as to in how many cases and in what departments of his Government he has given retrospective effect to the dearness allowance? Even prospective allowances are not given to highly deserving persons but here we have to take retrospective effect. Is it the Government's case that members during the last one year have run into debts in connection with the discharge of their duties as members of the Assembly? Has the Hon'ble

the Leader of the House taken the statistics of the annual indebtedness of the members so that that would be liquidated partly or wholly by a lump sum solacium of a retrospective compassionate allowance of Rs. 600.

Maulvi ABDUR REZZAK: মাননীয় Deputy Speaker সাহেব, আমার একটা motion আছে—member মহোদয়গণ যে বেতন বৃদ্ধির Bill পাশ করছেন সে সম্বন্ধে। নূতন যারা যেদিন থেকে চাকরীতে appoint হয় তারা সেদিন থেকে মাইনে পায়। এখন যে Bill পাশ হবে তাতে memberগণ দয়া করিয়া দেশের এই দুর্দ্দিনে এক বৎসর পূর্ব্ব হইতে মাইনে draw করবেন। (A voice from the Government side: আপনি মাইনে নেবেন না) নেবেন না কথাটা বলা সহজ; আপনারাও ত পাচ্ছেন, আপনারাও নেবেন না। নেবেন না কেন নেবে। (Laughter.)

মহাশয়, এই পরিষদে যে সব কার্য্য হইতেছে, এই সব কার্য্য দেখিয়া কোন বুদ্ধিমান লোক স্থির থাকিতে পারে না। তাঁরা মন্ত্রিত্ব করে নিচেছন দেশের সর্ব্বনাশ করিয়া, পাটের দাম কমাইয়া, জনসাধারণ যে সুপারি খায় তাহাতে tax হইয়াছে। এই সব কমাইতে পারেন নাই। এরা দেশের অপকর্ম্ম বৃদ্ধি করিবে আর সেই সঙ্গে সঙ্গে মাইনা বৃদ্ধি করিবে। সুতরাং এর চেয়ে দুঃখের কথা আর কি হইতে পারে। অতএব আমি প্রস্তাব করিতেছি যে তাদের বেতন আগামী ১৯৪৫ জানুয়ারী হইতে নেওয়া হউক। যখন বিল পাশ হইবে এক বৎসর পূর্ব্ব হইতে হইতে পারে না; এটা বিধিবহির্ভূত।

[The motion of Maulvi Abdur Rezzak runs thus: That in clause 2(*1*) in line 2 of the proviso to the proposed section 3 of the Act, for the figures "1944" the figures "1945" be substituted.]

The motion of Maulvi Abdur Razzak that in clause 2(*1*), in line 2, of the proposed section 3 of the Act, for the word "two" the word "one" be substituted, was then put and a division taken with the following result:—

AYES—49.

Abdul Majid, Maulvi (Mymensingh).
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Mahzuddin Ahmed, Dr. (Bogra).
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Wallur Rahman, Maulvi.

NOES—78.

Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Majid, Mr. Syed (Noakhali).
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakraborty, Babu Narendra Narayan.

Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Gladding, Mr. D., C.I.E.
Gomes, Mr. R. A.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Leisk, Mr. John.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Banku Behari.
Mandal, Rai Sahib Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Methold, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Mustafa-Ali Dewan, Maulvi.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Roy, Mr. Dhananjoy.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Thorman, Mr. C. M.
Walker, Mr. J. R.
Zahur Ahmed Choudhury, Maulvi.
Zaman, Mr. A. M. A.
Zillur Rahman Shah Choudhury, Maulvi.

The Ayes being 49 and the Noes 78, the motion was lost.

The motion of Mr. Sasanka Sekhar Sanyal that in clause 2(*1*), line 2 of the proposed section 3, for the words "two hundred" the words "one hundred and fifty-one" be substituted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 2(*1*) in the proposed new section 3, for the words "date on which he takes his oath" in line 4, the expression "the first day of January, 1945" be substituted was then put and a division taken with the following result:—

AYES—48.

Abdul Majid, Maulvi (Mymensingh).
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Mafiruddin Ahmed, Dr. (Bogra).
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Tofel Ahmed Choudhury, Maulvi Haji.
Wallur Rahman, Maulvi.

NOES—77.

Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Majid, Mr. Syed (Noakhali)

Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Faziul Quadir, Khan Bahadur Maulvi.
Faziur Rahman, Mr. (Dacca).
Faziur Rahman, Khan Bahadur (Mymensingh).
Gladding, Mr. D., C.I.E.
Gomes, Mr. R. A.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hahzuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Leisk, Mr. John.
Mcintosh, Mr. G., C.B.E.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Metheld, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Roy, Mr. Dhananjoy.
Sahruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. G.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. J. R.
Zahur Ahmed Choudhury, Maulvi.
Zaman, Mr. A. M. A.
Zillur Rahman Shah Choudhury, Maulvi.

The Ayes being 48 and the Noes 77, the motion was lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 2(*1*) the proviso to proposed section 3 be omitted, was then put and lost.

The motion of Maulvi Abdur Razzaq that in clause 2(*1*) in line 2 of the proviso to the proposed section 3 of the Act, for the figures "1944" the figures "1945" be substituted, was then put and lost.

Adjournment.

The House was then adjourned at 7-35 p.m. till 4 p.m. on Friday, the 15th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMLY met in the Assembly House, Calcutta, on Friday, the 15th December, 1944, at 4 p.m.

Present:

Mr. Deputy Speaker (Mr. SYED JALALUDDIN HASHEMY) in the Chair, 10 Hon'ble Ministers and 172 members.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Emergency reinforcement of Civil Services in Bengal.

73. Babu ASHUTOSH LAHIRI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many (*i*) Deputy Magistrates and (*ii*) Sub-Deputy Magistrates have been imported from outside the Province during the last two years;

(*b*) on what salary and allowances they have been imported;

(*c*) how they compare with the emoluments of the Officers of the same class recruited from within the Province; and

(*d*) whether the Hon'ble Minister is considering the desirability of replacing them by Officers who are inhabitants of this Province?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) The services of 28 Deputy Magistrates and Deputy Collectors of other Provinces as detailed below were obtained, through the Government of India, for a period of one year only during the latter part of 1943. This was an emergency reinforcement of the Civil Services in Bengal, chiefly for the Civil Supplies Department—

Madras 6, Bombay 2, Bihar 4, Central Provinces and Berar 2, United Provinces 6, Orissa 1, Punjab 5, Assam 1, and Sind 1.

(*ii*) No Sub-Deputy Collectors from outside the Province were recruited.

(*b*) These Officers have been allowed to draw their grade pay on the time-scales of their own Provinces, plus a compensatory allowance as below—

Married Officers—40 per cent. of basic pay subject to a maximum of Rs.250 and minimum of Rs.200. Single Officers—15 per cent. of basic pay subject to a maximum of Rs.100 and minimum of Rs.75. This allowance is inclusive of separation allowance in the case of married Officers.

The Government of India have agreed to bear the cost on account of the pay and allowances of these Officers for the period of their deputation of one year's duration.

(*c*) The time-scales of the Provincial Civil Services of the different Provinces including Bengal are shown in the statement laid on the Table.

(*d*) Owing to the rapid expansion of the Civil Supplies Department it was found necessary to strengthen it by deputation of a large number of B.C.S. Officers from the General Administration. Government explored fully the possibilities of local recruitment by promotion from the subordinate services and appointment at the bottom grades. But they felt that this process of dilution of the services had reached the limit and that the further strengthening required of the General Administration and the Civil Supplies machinery could only be achieved by importing Officers from without the Province.

Statement referred to in reply to clause (c) of unstarred question No. 73.

Bengal—Rs.250—275—300—50/2—850 (old scale) and Rs.150—25—200—50/2—750 (revised).

Bihar—Rs.250—275—300—50/2—850.

Madras—Rs.300—40—500—50—850 and Rs.250—50/2—750.

Central Provinces and Berar—Rs.250—25—500—30—650—40—850.

Assam—Rs.250—275—300—50/2—500—500—500—50/2—700—700—750—50/—850.

United Provinces—Rs.250—275—300—30—750—25—850.

Bombay—1st grade Rs.700—50—850 and 2nd grade Rs.300—50—550—50/2—650.

Sind—1st grade—Rs.700—50—850 and 2nd grade—Rs.300—50—550—50/2—650.

Punjab—Rs.250—30—460—30—550—40—670—40—750—50—800 and Rs.250—25—375—25—700—25—750.

Regarding one Hem Mukherjee, a dismissed police officer.

74. Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that one Hem Mukherjee, a dismissed police officer, has been given appointment by the Police Department and is now posted in the district of Midnapore;

(*b*) what is the exact post now held by this person;

(*c*) what is his present remuneration;

(*d*) what was the post held by him when he was previously discharged;

(*e*) what was his remuneration at that time;

(*f*) whether it is a fact that this gentleman was entrusted to look after the interests of Mr. R. C. Pollard, formerly the Superintendent of Police, Murshidabad, in connection with the criminal case in which Mr. Pollard figured as an accused or a witness; and

(*g*) whether it is a fact that this gentleman has been appointed in the Police Department of the district of Midnapore after the said Mr. R. C. Pollard was transferred to that district?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) to (*g*) Do not arise.

Death due to starvation of unemployed spinners.

75. Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether any of the spinners and weavers who were thrown out of employment on Government action declaring many All-India Spinners' Association centres illegal during August movement of 1942 died of starvation during the last famine; and

(*b*) if so, what is their number?

Khan Bahadur HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): There is no such heading as "starvation" among the statutorily specified causes of death in the Register of Deaths and no record is maintained of deaths from starvation.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state under which head people dying of starvation are classed?

Khan Sahib HAMIDUDDIN AHMAD: There is one head recently added, namely, "Miscellaneous".

Mr. ATUL CHANDRA SEN: Death due to starvation—not very important?

Khan Sahib HAMIDUDDIN AHMAD: No.

Unstarred Question No. 72.

Mr. DEPUTY SPEAKER: Question No. 72 has been cancelled because notice of it was not given by Mr. Dhirendra Narayan Mukerji.

STARRED QUESTIONS

(to which oral answers were given)

Export of foodgrains from India.

***143. Mr. DHIRENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) whether exports of foodgrains are still being made from India;
(*ii*) whether these exports include rice; and
(*iii*) whether it is a fact that very recently large quantities of rice were sent out through the port of Calcutta?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what steps Government have taken to stop such exports; and
(*ii*) whether they have taken up the matter with the Government of India; and if so, with what results?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*)(*i*) Exports from India are controlled by the Government of India and no information can be given.

(*ii*) and (*b*) Do not arise.

(*iii*) No. It is well known that on the recommendation of the Foodgrains Policy Committee the Government of India stopped all exports of foodgrains including rice. Negligible amounts only have been supplied to ships' crews.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he will deny that rice is being exported from the Calcutta Port for being supplied to China?

The Hon'ble Mr. H. S. SUHRAWARDY: I flatly deny it.

Supply and import of rice into Bengal.

***144. Rai HARENDRA NATH CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether any agreements have been reached with the neighbouring Provinces of—

(1) Bihar,
(2) Orissa, and
(3) Assam,

regarding supply and import of rice to this Province?

(*b*) If so, will the Hon'ble Minister be pleased to state the nature and terms of such agreements and the results thereof?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No; no agreement was necessary for the import into Bengal of rice and paddy from Bihar, Orissa and Assam which were within the free trade zone from the 18th May to 31st July, 1943. Since the abrogation of free trade, supplies of rice and paddy to Bengal are on the basis of the Central Government's Revised Basic Plan.

(*b*) Does not arise.

Rice position in Bengal.

*145. **Rai HARENDRA NATH CHOUDHURI:** (a) Is the Hon'ble Minister in charge of the Civil Supplies Department aware—

(i) that different authorities such as the previous Member in charge of, and the present Secretary to, the Food Department of Government of India, and the Governor of Bengal, admitted on various occasions, and

(ii) that replies given to questions put in the Bengal Legislature indicated,

that there was heavy shortage of rice in Bengal in the agricultural year 1942-43?

(b) Will the Hon'ble Minister be pleased to lay on the Table a statement showing the quantities of rice produced in Bengal during each of the years 1936-37, 1937-38, 1938-39 and of the years 1940-41, 1941-42 and 1942-43?

(c) Will the Hon'ble Minister be also pleased to state what are the data on which he has come to the conclusion that there is no negligible deficit of rice in Bengal in the current year 1943?

(d) If there be no data available for such conclusion, will the Hon'ble Minister be pleased to state—

(i) what is his estimate of the deficit that has come to be met in the provincial requirements of rice; and

(ii) how he proposes to remove the deficit?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Various statements were made from time to time by different authorities as to the extent of deficit in Bengal in 1942-43.

(b) A statement is laid on the Table which has been prepared from published statistics.

(c) I never came to such a conclusion.

(d) The deficit as estimated from the food-drive was about 800,000 tons. Steps were taken to import foodgrains from other Provinces as well as abroad.

Statement referred to in reply to clause (b) of starred question No. 145, showing the quantity of rice produced in Bengal during the following years.

Years.	*Yield in Tons.*
1936-37	9,805,000
1937-38	... 9,034,000
1938-39	... 7,567,000
1939-40	... 8,455,000
1940-41	... 6,043,000
1941-42	... 9,821,000
1942-43	... 6,916,000

Result of food drive in Jalpaiguri district.

146. **Mr. KHAGENDRA NATH DAS GUPTA:** (a) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to lay on the Table a statement showing with regard to Jalpaiguri district—

(i) the stocks of foodgrains found in possession of the population; and

(ii) the extent of the deficit for feeding the population till the end of the year 1943,

as found from the food drive recently undertaken by the Government?

(*b*) Will the Hon'ble Minister be pleased to state the total amount of rice and paddy—

(*i*) purchased or requisitioned by the Government in the district;
(*ii*) removed by the Government from the district; and
(*iii*) exported by other agencies from the district since the recent food drive?

(*c*) Will the Hon'ble Minister be pleased to state what steps, if any, have been taken for the relief of the poor people of the district?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact that a large number of complaints from all parts of the districts have been filed with the District Authorities stating that their stock of paddy or rice has not been correctly reported by the Food Census works?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) 1,159,479 maunds of rice.

(*ii*) 433,072 maunds including *Bhadoi* crops.

(*b*) (*i*) Purchased rice 34,256 maunds. Requisitioned rice 2,771 maunds. Purchased paddy 12,155 maunds. Requisitioned paddy 61,738 maunds.

(*ii*) Nothing has so far been removed from this district out of the stock mentioned in (*i*).

(*iii*) No figures available.

(*c*) Free kitchens were opened. Free doles were given. Cheap grain shops were opened and rice was sold at concession rates to the poor.

Standard cloth and blankets were distributed free to the poor.

(*d*) A number of complaints were received but only in a few cases was the stock found to be below the quantity frozen.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether it is a fact that the cheap grain shops were supplied with the very minimum quantity of rice which would not even meet the demand of 20 per cent. of the people of the locality?

The Hon'ble Mr. H. S. SUHRAWARDY: As much rice as was available and could be distributed to the cheap grain shops was given. If all the demands of the people of the province had been met, I do not think that we would have passed through the famine period.

Mr. SURENDRA NATH BISWAS: In view of this answer will the Hon'ble Minister be pleased to state whether we shall take it that Government did not stock sufficient rice in the centre for supplying adequate rice to the people?

The Hon'ble Mr. H. S. SUHRAWARDY: Government stocked as much rice as it was possible for Government to stock taking into consideration the fact of its own stocks as well as the difficulties of movement.

Gratuitous relief to distressed people in Dinajpur.

*147. **Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Civil Supplies Department aware—

(*i*) that about ten thousand people of the Dinajpur town and of (1) Baliadanga, (2) Atwari, (3) Thakurgaon, (4) Parvatipur, (5) Itahar, (6) Khansama and (7) Birganj police-stations are affected due to high prices of foodgrains;
(*ii*) that they are starving as a result thereof;
(*iii*) that a district Central Food Committee has been formed with members belonging to all political parties and non-party men at Dinajpur; and

(*iv*) that the local authorities do not agree to supply rice to the aforesaid committee at control rates for free distribution and sale to the distressed people?

(*b*) Will the Hon'ble Minister be pleased to state whether any gratuitous relief has been given by the Government for the relief of the distressed people in the district of Dinajpur?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) Yes.

(*ii*) The people were not all starving; they were, however, in distress owing to high prices.

(*iii*) Yes.

(*iv*) No. The Committee was given supplies of rice for sale to needy families at subsidised rates.

(*b*) Yes. A sum of Rs.32,349 was spent on gratuitous relief up to the 18th February, 1944.

Mr. SURENDRA NATH BISWAS: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what was the rate spent per head for gratuitous relief in that area?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think there was any uniform rate per head. Gratuitous relief was given according to the necessities of each case.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that gratuitous relief was not given throughout the period during which such relief was needed, and it was only for a part of the period that relief was given?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think there is any justification for that statement.

Aman purchase scheme and plan for distribution of foodgrains.

***148. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) the main outlines of the Bengal Government's *aman* purchase scheme and plan for distribution of foodgrains in different parts of Bengal in 1944;

(*ii*) when the scheme and the plan for distribution were forwarded to the Government of India; and

(*iii*) whether the scheme and the plan were ever placed before the various Party Leaders of the Bengal Legislature for opinion and advice, and if so, when?

(*b*) Is it a fact that at a conference of Party Leaders and others held on the 19th November, 1943, at the invitation of the Minister in charge of Civil Supplies the proposal for appointing a limited number of big merchants of Calcutta as Chief Purchasing Agents on behalf of Government for specified zones was almost unanimously disfavoured and procuration through the established and reputed traders in each mufassal area selected by local officials on the advice of representative Local Food Committees was urged instead?

(*c*) Has there been any difference of opinion between the Government of India and the Bengal Government in regard to the scheme or plan for distribution and procuration and, if so, what are the points of difference?

(*d*) Have the Government of Bengal appointed any Chief Agent or Agents for the purchase of *aman* paddy and rice, and if so, what are their names and office addresses, volume of business in Bengal rice and paddy?

during the years 1940, 1941 and 1942 by each, and the names and addresses of their respective branches or agencies in the mufassal of Bengal immediately before their selection as Government Agents?

(*e*) Is the Hon'ble Minister aware—

(*i*) that in various parts of the Province the prices of paddy and rice which were steadily going down began to rise as soon as the intention of Government to appoint a few big Calcutta merchants as Chief Agents was made known; and

(*ii*) that some of these merchants had already begun their purchases in the name of Government at rates higher than the prevailing market rates at certain places before they were actually appointed as Chief Agents?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) A copy of a Press-Note, dated the 1st December, 1943, on Government's Food Plan for 1944, is laid on the Library Table.

(*ii*) The scheme in its final form was forwarded to the Government of India on the 17th December, 1943.

(*iii*) I regret I cannot recollect.

(*b*) I have only a faint recollection of what took place at the meeting; but even if I remembered matters distinctly, I would not be prepared to speak to discussions at party meetings.

(*c*) There were differences over points of detail, but the *aman* procurement scheme as finally issued had the approval of the Government of India. It would not be in the public interest to give any information with regard to the differences of opinion which existed in the earlier stages.

(*d*) Yes. The names of the Government Chief Agents are given below—

Messrs. M. M. Ispahani, Ltd., 51, Ezra Street.
Messrs. Shaw Wallace & Co., 4, Bankshal Street.
Messrs. Daulatram Rawatmull, 178, Harrison Road.
Messrs. Raja Sreenath Roy, 89, Sova Bazar Street.
Messrs. Janoki Nath Roy, 89, Sova Bazar Street.
Messrs. Sitanath Roy Bahadur, 89, Sova Bazar Street.

I have no information as regards the volume of business done by the Chief Agents during the years in question. They are naturally unwilling to disclose such matters.

(*e*) I have no information.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to state whether Government of Bengal proposes to purchase the next *aman* crop through agents or otherwise?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit it does not arise as to what is the future policy of Government.

Mr. SURENDRA NATH BISWAS: Sir, I asked about the main outlines of the Bengal Government's *aman* purchase scheme and plan for distribution of foodgrains in different parts of Bengal in 1944. This question relates to Bengal Government's activities so far as the question of purchase and distribution in 1945 is concerned, because the *aman* crop is being harvested in December, 1944.

Mr. DEPUTY SPEAKER: Your question refers to 1945. So it does not arise.

Mr. SURENDRA NATH BISWAS: Sir, the *aman* crop is being harvested in December, 1944. If the Hon'ble Minister does not know that, I am sorry. But what I want to submit, Sir, is this: I understood that Government would fix one day for discussion of the food question, but Government have not fixed that.

Mr. DEPUTY SPEAKER: That is a different matter.

Mr. SURENDRA NATH BISWAS: I know that. But I have got an opportunity to ask the Government as to what their scheme is for purchasing *aman* crop which is going to be harvested in December, 1944.

The Hon'ble Mr. H. S. SUHRAWARDY: The 1944 scheme has been given in the outline in that press-note.

Mr. SURENDRA NATH BISWAS: Does the Hon'ble Minister want us to believe that their scheme of purchase of *aman* crop of December, 1944, is included in that scheme?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. The purchase is being made in accordance with that scheme even up to now.

Cases of profiteering in places of Jessore district.

*149. **Mr. A. M. A. ZAMAN:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(*i*) that Government are prosecuting hoarders and profiteers;

(*ii*) that the shopkeepers of the Naldibazar, Nithapurhat, Brahmandangahat, police-station Lohagara, district Jessore, are selling—

(1) rice at Rs.25 per maund,
(2) kerosene annas 12 per seer,
(3) sugar annas 14 per seer,
(4) *atta* annas 8 per seer,
(5) flour annas 10 per seer, and
(6) mustard oil at Re.1-12 per seer; and

(*iii*) that the villagers of the said locality informed the supply officer of Narail about these illegal profiteering with no relief?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken or intend to take in the matter?

(*c*) If no step is proposed to be taken by the Government will the Hon'ble Minister be pleased to state the reason therefor?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of prosecutions launched against those profiteers referred to in (*a*)(*ii*);

(*ii*) the names of the accused;

(*iii*) the result of prosecution in each case; and

(*iv*) the number of cases in which the goods were confiscated by the supply officer concerned?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*)(*i*) Yes.

(*ii*)(1) At Brahmandanga *hat* one Abdul Malek Molla sold rice at Rs.35 per maund, and paddy at Rs.22 per maund. He was sentenced to six months' rigorous imprisonment under rule 81(*4*) of the Defence of India Rules, on the 24th January, 1944, and the seized rice and paddy were forfeited to Government. At the same *hat* another individual, Abdul Aziz Molla, was prosecuted for selling rice at Rs.40 per maund and sentenced to three months' rigorous imprisonment under rule 81(*4*) of the Defence of India Rules, on the 22nd March, 1944, and in this case also the rice was forfeited to Government. In a third case, at the same *hat*, one Abdul Hakim was to have been prosecuted for selling paddy at Rs.23 per maund but died before the trial could take place.

(2) One Nityananda Samajder was found selling kerosene oil at annas 14 per seer of 80 tolas. He was prosecuted and sentenced to pay a fine of Rs.40 under rule 81(*4*) of the Defence of India Rules on the 16th February, 1944.

(3) to (5) Sugar, *atta* and flour were sold at the controlled rates, i.e., annas 8 per seer for *atta*, sugar and flour.

(6) Mustard oil was not controlled at the time referred to. It was sold at Re.1 to Re.1-4 per seer.

(*iii*) No.

(*b*) Where cases of profiteering were brought to notice, the offenders were prosecuted as I have already stated.

(*c*) Does not arise.

(*d*)(*i*) Four.

(*ii*) (1) Abdul Malek Molla, (2) Abdul Hakim, (3) Abdul Aziz Molla and (4) Nityananda Samajder.

(*iii*) and (*iv*) I have already given the information asked for.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*)(*ii*), will the Hon'ble Minister be pleased to state whether Government are not themselves profiteering by selling their rice at Rs. 16-4 per maund when the local price is much lower than that?

Mr. DEPUTY SPEAKER: How does that question arise?

Mr. SURENDRA NATH BISWAS: Sir, it arises in this way. The question relates to profiteering in that district, but Government themselves are profiteering.

Mr. DEPUTY SPEAKER: Rice is being sold by the Government of India, so this question does not arise.

Seized stock of paddy and rice in Bankura district.

*150. **Mr. KAMAL KRISHNA ROY:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) the total quantity of (1) paddy and (2) rice acquired by the Government in the months of August, September and October, 1943, of the seized stock of paddy and rice in the district of Bankura;

(*ii*) how much of it was utilised for (1) Government free kitchens, (2) for cheap grain shops and (3) exported to other districts up to December, 1943;

(*iii*) the rate which Government had to pay per maund of paddy and rice (separately) for the said acquired stock of paddy and rice and the total amount of money spent for the purpose; and

(*iv*) the balance, if any, of the acquired stock at the end of December, 1943, and the average market rate per maund of rice and paddy in the district at that time?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that the Government have sold some quantity from the balance of the acquired stock?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the rate per maund at which it has been sold;

(*ii*) the total quantity sold; and

(*iii*) the total loss incurred thereby?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) A statement is laid on the Table.

(*b*) No.

(*c*) Does not arise.

Statement referred to in reply to Clauses (a)(i) to (iv) of starred question No. 150.

	Rice.	Paddy.
Total quantity acquired from August to October, 1943.	9,701 Mds.	31,905 Mds.
Quantity utilised for Government free kitchens.	458 Mds.	8,975 Mds.

	Rice.	Paddy.
Quantity utilised for cheap grain shops	9,243 Mds.	15, 706 Mds.
Quantity exported to other districts up to December, 1943.	Nil	Nil
The rate at which Government had to pay per maund.	Rs. 22-2 on an average.	Rs. 12-9 on an average.
Total amount spent	Rs. 6,43,463-13-9.	
Balance of stocks, if any, at the end of December, 1943.	5,657 Mds.	500 Mds.
Average market rate per maund of rice and paddy in the district at the end of December, 1943.	Rs. 13.	Rs. 7-6..

Mr. KAMAL KRISHNA ROY: With reference to answer (*a*)(*iv*), will the Hon'ble Minister be pleased to state what has become of the stock of 5,657 maunds of rice and 500 maunds of paddy?

The Hon'ble Mr. H. S. SUHRAWARDY: The rice and paddy must have been disposed of. If this is in Bankura, it must have been disposed of through controlled shops because there was a large number of cheap grains controlled shops in Bankura.

Mr. KAMAL KRISHNA ROY: Is it a fact that from this stock paddy and rice were supplied to work-houses started at that time?

The Hon'ble Mr. H. S. SUHRAWARDY: The question has been answered in (*a*)(*ii*), and all the details are given there.

Ration scheme in rural areas.

***151. Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Civil Supplies Department aware of the fact that in the current Bengali month *Magh* rice is being sold at 1½ and 1¾ seers a rupee in most places of rural areas at Chittagong?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any scheme of supplying ration cards to every family of rural areas is under contemplation of the Government?

The Hon'ble Mr. H. S. SUHRAWARDY: The position in June, 1944, was as follows:—

(*a*) Yes; a statement showing price of rice prevailing in the different thanas during the first part of February, 1944, is laid on the Table.

(*b*) Ration cards are being supplied to every family in the district. Foodgrains will be rationed under the scheme of "modified" rationing all over the district excepting such belts or such families as are known to be surplus. Sugar, kerosene and salt are also being rationed.

Statement referred to in reply to (a) of starred question No. 151.

Name of Thana.	Price of rice per maund.		Name of Thana.	Price of rice per maund.
	Rs.	a.		Rs. a.
Patiya ...	23	14	Double Moorings ...	23
Boalkhali ...	25		Mirsarai ...	23
Anwara ...	24		Sitakundu ...	23
Banokhali ...	20		Cox's Bazar ...	23
Satkania ...	22	12	Maiscal ...	22
Raozan ...	26	10	Mutubdia ...	24
Fatikchari ...	23		Ukhia ...	24
Hathazari ...	24		Ramu ...	24
Rangania ...	20		Teknaf ...	25
Panchlais ...	22			

Mr. SURENDRA NATH BISWAS: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether rationing has been introduced in the district of Chittagong?

The Hon'ble Mr. H. S. SUHRAWARDY: Rationing has been introduced and ration cards have been distributed, and the scheme of Government has been so successful that rice is selling in Chittagong at between Rs. 8 and Rs. 10 per maund.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether we shall take it that the people of Chittagong are getting rice, sugar, kerosene and salt without discrimination?

The Hon'ble Mr. H. S. SUHRAWARDY: I think so. I do not know whether every single person is getting sugar, but the scheme of distribution which has been laid down by Government is being very strictly followed and has been a great success.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that in some places kerosene is being supplied at quarter *poa* per family per month?

The Hon'ble Mr. H. S. SUHRAWARDY: I would not be able either to affirm or to deny it. But I may state as a general proposition that kerosene is being distributed at controlled price in accordance with supply, in accordance with population and very strictly according to the needs of each family, and the allocations made by various Food Committees are being strictly followed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the price of salt is very much higher than the controlled price in Chittagong?

The Hon'ble Mr. H. S. SUHRAWARDY: Just the reverse. The honourable member does not know anything about the condition in Chittagong. Salt is being made and manufactured there locally.

Mr. SURENDRA NATH BISWAS: Does the Hon'ble Minister know that we the members of this House know more about Chittagong than the Hon'ble Minister himself?

Mr. DEPUTY SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Can the Hon'ble Minister say that salt is being sold at the controlled price from every union in Chittagong?

Mr. DEPUTY SPEAKER: That he has already said.

Rice and paddy seized in Burdwan.

*152. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to lay on the Table a statement showing—

(*i*) the quantities of (1) rice and (2) paddy seized during the last anti-hoarding drive, subdivision by subdivision, in the district of Burdwan;

(*ii*) the quantity that has been utilised up to date; and

(*iii*) the quantity that are still lying in store?

(*b*) Will the Hon'ble Minister be pleased to state whether any free kitchen or cheap grain shops were supplied with from the seized stock of rice and paddy in the district?

(*c*) Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of disposing of the present surplus stock, if any?

The Hon'ble Mr. H. S. SUHRAWARDY: The position in June, 1944, was as follows:—

(*a*) A statement showing the position on the 6th March, 1944, is laid on the Table.

(*b*) Yes.

(*c*) The stock is small and is being gradually utilised.

Statement referred to in reply to starred Question No. 152.

	Rice. Mds. srs. ch.	Paddy. Mds. srs. ch.
(*i*) Quantities of rice and paddy seized—		
Sadar subdivision	16,673 0 0	152,317 0 0
Katwa subdivision	519 13 8	2,397 37 8
Kalna subdivision	4,514 0 0	15,378 0 0 (entire quantity milled and 7,849 mds. of rice obtained).
Asansol subdivision ..	7,093 11 12	3,909 22 0
(*ii*) Quantity utilised—		
Sadar subdivision	16,673 0 0	132,771 0 0
Katwa subdivision	519 13 8	2,397 37 8
Kalna subdivision	12,163 0 0 (including 7,849 mds. of rice obtained from 15,378 mds. paddy).	15,378 0 0 (milled and included under the head Rice).
Asansol subdivision ..	7,093 11 12	1,470 0 0
(*iii*) Quantity that are still lying in store—		
Sadar subdivision	....	19,546 0 0
Katwa subdivision	....	....
Kalna subdivision	200 0 0	....
Asansol subdivision ..	....	2,439 22 0

Alleged scarcity of sugar in Birbhum district.

***153. Dr. SHARAT CHANDRA MUKHERJEE:** (*a*) Is the Hon'ble Minister in charge of the Civil Supplies Department aware of the fact that sugar is not available in the rural controlled shops under charge of the Union Boards for last 2 months in the district of Birbhum?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(*c*) Is the Hon'ble Minister also aware that Tilpara Union in police-station Suri is also going without sugar for about 2 months past?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*e*) Will the Hon'ble Minister be pleased to state when sugar can be expected in the areas referred to in (*a*) and (*c*)?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*c*) No.

(*b*), (*d*) and (*e*) Do not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us to which period the answer relates?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose if it does not relate to the period for which the question has been asked it will not relate to any subsequent period. As the answer is negative, it relates to all periods.

Mr. DHIRENDRA NATH DATTA: Does it relate to all the periods?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. DHIRENDRA NATH DATTA: When the question was answered?

The Hon'ble Mr. H. S. SUHRAWARDY: If it relates to the present period, it does not matter when the question was answered.

Government measures to bring down price of rice.

***154. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact that the price of rice in many parts of Bengal even now varies from Rs.17 to Rs.18 a maund?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have Government taken and intend to take to bring down the price of rice?

The Hon'ble Mr. H. S. SUHRAWARDY: The position in April, 1944, was as follows:—

(*a*) Retail prices of ordinary rice are not as high as Rs.17 to Rs.18 per maund except in a few parts of East Bengal.

(*b*) Government stocks of rice have been, and are being, offered for sale to the public at Rs.16-4 per maund retail.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state, with reference to answer (*b*), whether the price of Rs. 16-4 per maund is much higher than the local price?

The Hon'ble Mr. H. S. SUHRAWARDY: It is higher than the local price in some cases.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government has considered the fact that the local market price must not be disturbed by the influx of Government rice at a high price?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that local price is at all disturbed by whatever the honourable member states, which I have not understood.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that the police officers are preaching in local *hats* and bazars that the sellers should not sell rice at a price lower than the controlled price?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think there is any foundation for that statement. I have never heard of it up to now.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he will make enquiries as to whether police officers are not preaching in the rural *hats* and bazars that sellers should not sell rice at a price lower than Government controlled price?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not prepared to institute such a wide, sweeping roving enquiry, but if the honourable member will tell me in which *hat* and bazar which police officer or from which station they are approaching in this manner, I shall make enquiry.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to take a note from me that police officers of the district of Faridpur, subdivision Madaripur, and thana Sibchar preached in Choudhury's *hat* by beat of drum that the sellers must not sell rice at a price lower than Government controlled price?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think the honourable member need have any fear on that, because the price in Madaripur is not so low that it is necessary to——

Mr. SURENDRA NATH BISWAS: That is not the point. My point is——

The Hon'ble Mr. H. S. SUHRAWARDY: If it is not low, is it reasonable to expect——

Mr. SURENDRA NATH BISWAS: The fact is that the police people are going to the rural *hats* and bazars preaching by beat of drum that rice must not be sold at a price lower than that. That will have a bad effect.

Mr. DEPUTY SPEAKER: I have understood you, but I cannot help.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state what is the average retail price of ordinary rice in North Bengal, West Bengal and East Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit that it does not arise out of the question.

Mr. ATUL CHANDRA KUMAR: Yes, it does arise. The question is: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact that the price of rice in many parts of Bengal even now varies from Rs. 17 to Rs. 18 a maund? And the answer is: The position in April, 1944, was as follows: Therefore my question is, what is the average retail price of ordinary rice in North Bengal, East Bengal and West Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit that the question of present prices does not arise. The question was asked sometime in April, 1944, with reference to the price of rice in East Bengal, not in North Bengal or West Bengal. It was with reference to the price of rice in East Bengal at that time. It is quite clear that when it refers to Rs. 17 or Rs. 18 a maund it was with reference to that period and not to the present period.

Mr. DEPUTY SPEAKER: It arises in this sense that he is simply asking what is the present price in different parts of Bengal.

The Hon'ble Mr. H. S. SUHRAWARDY: For the present prices in different parts I want notice.

Mr. ATUL CHANDRA KUMAR: Is the Hon'ble Minister in a position to deny that the present average price in North Bengal is below Rs. 10?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not deny or affirm it and I do not know what the meaning of the average price is.

Mr. ATUL CHANDRA KUMAR: Is it a fact that the average price in almost all the districts of North Bengal is about Rs. 10?

The Hon'ble Mr. H. S. SUHRAWARDY: May be.

Mr. ATUL CHANDRA KUMAR: Is it a fact that the average price in all the districts in West Bengal is about Rs. 10?

The Hon'ble Mr. H. S. SUHRAWARDY: No.

Mr. ATUL CHANDRA KUMAR: Is it more than Rs. 10?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. ATUL CHANDRA KUMAR: Is the average price about Rs. 11?

The Hon'ble Mr. H. S. SUHRAWARDY: No.

Mr. ATUL CHANDRA KUMAR: Is it between Rs. 11 and Rs. 12?

The Hon'ble Mr. H. S. SUHRAWARDY: I will not answer. I want notice.

Mr. ATUL CHANDRA KUMAR: The Hon'ble Minister is meant for the purpose and is bound to answer.

Mr. ATUL CHANDRA SEN: He ought to know manners.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether the average retail price in any district of West Bengal is over Rs. 12?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not prepared to answer that. I want notice.

Mr. ATUL CHANDRA KUMAR: In view of the low prices in West Bengal and North Bengal, that is, between Rs. 10 and Rs. 11, is it fair in the opinion of the Bengal Government to charge Rs. 16-4 from Government stocks in Calcutta?

Mr. DEPUTY SPEAKER: That is a matter of opinion.

Mr. ATUL CHANDRA KUMAR: My supplementary question arises. It is for the Hon'ble Minister to reply either in the affirmative or in the negative.

Mr. DEPUTY SPEAKER: I have disallowed the question.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state as to what Government propose to do with the Government controlled rice which is to be sold at Rs. 16-4 where that rice is stocked and where the local market price is lower than Rs. 16-4?

The Hon'ble Mr. H. S. SUHRAWARDY: How does that question arise out of this question?

Mr. SURENDRA NATH BISWAS: There is relevancy in this way. If Government rice is offered for sale at the market price then the price may go down more. That is the implication of the question. The question wants to know what are the Government measures to bring down the price of rice. My question is what do Government propose to do with their rice at places where the price of rice is much below the controlled price?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not necessary to do that. Although Government stock rice is being sold at Rs. 16-4 it is being sold to wholesalers at Rs. 13-8 in surplus areas and Rs. 14-4 in deficit areas.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to explain why it has been issued to the press that Government rice is being offered for sale at Rs. 7-8 to the poor people in the localities where the price of rice is ruling low?

The Hon'ble Mr. H. S. SUHRAWARDY: We are offering Government rice at Rs. 7-8 in order to relieve the distress of the poorer section of the population.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have considered the price level at which the price of rice should be kept in Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry I could not understand the question.

Mr. SURENDRA NATH BISWAS: Then I shall explain the question. I wanted to know from the Hon'ble Minister what is the price level at which Government propose to keep down the price?

The Hon'ble Mr. H. S. SUHRAWARDY: The price level at which Government propose to keep down the price?

Mr. SURENDRA NATH BISWAS: Yes, of rice, of course.

Dr. NALINAKSHA SANYAL: What is the target?

The Hon'ble Mr. H. S. SUHRAWARDY: There is no target. The position is this. If Government sell rice at Rs. 16-4 retail to the public, it is anticipated that the general price will not rise above Rs. 16-4.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he remembers that in announcing Government's food plan for 1944, Government did announce at the same time that it was their intention to maintain a minimum price for rice and paddy in the province in the interests of the agriculturists?

The Hon'ble Mr. H. S. SUHRAWARDY: Certainly; my intention was that the price should not fall below a certain level.

Dr. NALINAKSHA SANYAL: What is that level?

The Hon'ble Mr. H. S. SUHRAWARDY: We have not as yet arrived at any figure. What we are considering is this that whenever we will find that the price is being offered at a level which is considered to be unsatisfactory or which is below the ceiling price which is offered by the agents, rice should be bought up, so that the price level may remain high.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this fact has been brought to his notice or not that in most of the districts of Bengal today, the ruling price for the agriculturists is substantially below the ceiling price at which Government agents have been advised to purchase?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, I am prepared to admit that.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government propose to reduce the price of Government controlled rice in view of the fact that the price of rice in Calcutta and in many other districts of Bengal is on an average Rs. 10?

The Hon'ble Mr. H. S. SUHRAWARDY: Government do not intend to lower the offer.

Dr. NALINAKSHA SANYAL: In view of dangers of lower price affecting the "Grow More Food" campaign in the province, is the Government considering the desirability of encouraging *dharamgolas* in each union board or in suitable groups of villages, so that as soon as the price goes down below a particular limit, the villagers might keep stored in the *dharamgolas* certain quantity of rice or paddy available on the basis of advances made by Government, if necessary?

The Hon'ble Mr. H. S. SUHRAWARDY: This is a very difficult proposition. The honourable member is suggesting that Government should open up stores and should make advances.

Dr. NALINAKSHA SANYAL: Not Government. *Dharamgolas* of the people.

The Hon'ble Mr. H. S. SUHRAWARDY: But somebody has got to make advances. You have said that Government should make advances to the people. If Government are to make advances against stocks of food-grains, they should keep those food-grains in their own custody. There is

no such proposal as that. I think the best procedure for Government would be to have a far-flung purchasing organisation of its own, so that whenever the price has a tendency to fall, the Government agents would make purchases and keep up the price.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that at the present moment the godown capacity of the purchasing agents of Government has been completely filled up by the rice purchased by them and it has become increasingly difficult for them to carry out further purchases on behalf of Government?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not correct to say that all the godown capacity has been completely filled up. There has been congestion in many places and on that account new storages are being built up in those areas which will be really transit areas, because it is proposed from there to take them to those places where the foodgrains can be properly stored and from which places these can be properly distributed. But undoubtedly there has been a setback in the rate of procurement owing to difficulties in movements.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that a potent cause for the continued fall in the price of rice and paddy below the minimum economic price for the agriculturists is the refusal of the Government agents to buy in certain areas on the plea or on the ground that they are not in a position to store them properly on behalf of Government in those areas?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. One of the reasons why the price is being quoted at this level is probably due to the fact that Government agents are not purchasing in those areas, but there are a large number of other factors which have not been taken into consideration. In some of these areas, which are not cordoned areas, we are aware that it is open to merchants from other areas to come and make purchases there. Therefore, there is absolutely no reason why it should be held that merely because the Government agents are not making purchases, the prices are going down.

There is another factor——

Dr. NALINAKSHA SANYAL: Are merchants from other areas allowed to come in and purchase?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes. Take Nadia, take Jessore. They are not cordoned. Merchants of Faridpur who desire to go and buy in those places are at liberty to do so. Noakhali is an uncordoned area and persons may go and buy there. These are factors which have been lost sight of by many persons.

There is another factor too. It should be notified to members that the prices which are quoted as being prices in a particular place are not the true prices of that place. They are prices which are quoted because as the honourable member states the chief agents have withdrawn from the market. We have tested various markets. We have sent chief agents to those places. It is not possible for them to purchase the paddy or rice at the price which has been quoted. As soon as an offer is made and as soon as a buyer appears, the price rises. So, market prices, it can be noted by honourable members, are not the prices at which any very great transactions have taken place.

Mr. SANTOSH KUMAR BASU: In view of the admitted disparity in prices between the mufassal areas and Calcutta, will the Hon'ble Minister be pleased to take this opportunity of explaining why the prices in Calcutta cannot be brought down because there is considerable difficulty in the mind of the public in that question having regard to the ruling prices in the mufassal?

The Hon'ble Mr. H. S. SUHRAWARDY: I would ask the honourable member to realise that we are not selling in Calcutta at the price at which we are procuring at this stage. What we are selling in Calcutta is the rice which has been the legacy that has come down to us, and we have got to consider the average price. Actually so far as Calcutta is concerned, it is probably one of the few places which can afford to pay the price which we are charging. I see no connection for the time being between the Calcutta prices and the prices in the mufassal which undoubtedly have fallen. But to what extent they will remain low in the mufassal has got to be seen.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is now in a position to classify the rice supplied to Calcutta into three or four particular classes with a view to permitting persons with limited means to buy comparatively coarser rice at a lower price, retaining the higher price which is now leviable for selected or better class of rice?

The Hon'ble Mr. H. S. SUHRAWARDY: There are very strong views on this subject that are held by two different sections. Some hold that we ought not to have several qualities but that every one should share in one kind of quality, that is the average quality, which we can place at the disposal of the people. Others hold that there ought to be separate qualities and those persons who can afford to buy rice at a higher price should be given facilities to buy that rice. Up till now we have allowed one quality to continue and we have not yet made up our mind as to whether we should have more than one quality or not.

Maulvi AHMED ALI MRIDHA: In view of his statement, will the Hon'ble Minister be pleased to state whether a merchant from the district of Faridpur who is willing to purchase paddy or rice in the district of Jessore or Nadia is required to undergo any formalities?

The Hon'ble Mr. H. S. SUHRAWARDY: No formalities are necessary; no permits are necessary. If he complies with the Food Grains Control Order, he can make his purchases.

Importation of paddy or rice into a rationed area.

***155. Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if importation of paddy or rice from outside for personal consumption into an area where full rationing scheme has been introduced is prohibited?

(*b*) If the answer to (*a*) is in the negative, is there any limit to the quantity that may be so imported?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The importation of paddy or rice into a rationed area even for personal consumption is prohibited except under a permit which is granted only in respect of stocks which are the produce of the permit-holder or members of his family.

(*b*) The quantity which a permit-holder is allowed to import at a time is limited to the requirements of his household, on the basis of the authorised scale of rations, for a period of three months.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that great hardship has been caused to a number of persons who temporarily visit this city including the members of this Assembly owing to the delay experienced by them in the issue of ration cards for their temporary sojourn?

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to submit that the delay in the issue of ration cards hardly arises out of the question how much a person can import?

Dr. NALINAKSHA SANYAL: I am coming to that.

The Hon'ble Mr. H. S. SUHRAWARDY: I am unable to say whether there is great inconvenience caused to honourable members. As a matter of fact, every effort is made to expedite the issue of ration cards.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there are persons coming into the city very often at short notice in connection with business or legal work or medical attention and that such persons find it extremely difficult to obtain the necessary supply of their food unless they are permitted to bring along with them at least some limited quantity of their food from outside?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is aware that any person coming into Calcutta can bring some rationed stuff with him.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that a number of persons have been actually arrested and harassed at Sealdah and Ballygunge Stations for having brought with them not more than 2 seers of rice at a time when they came into Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: Any person may bring 2½ seers. If the honourable member says that persons are harassed, I think that he is probably referring to persons who come from the 24-Parganas for the purpose of selling rice surreptitiously in the black market.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to explain what are the reasons at the present time for which permits are required for importing rice into Calcutta for personal use?

The Hon'ble Mr. H. S. SUHRAWARDY: I take it that the honourable member knows that a rationed area is a closed area and nobody can bring rationed stuff from outside without a permit. It is only allowed in special cases, that is, in the case of those persons who have got their own lands, to bring in foodgrains for their use for three months.

Dr. NALINAKSHA SANYAL: In view of the present improved position of stock in rural Bengal and also in view of the decision of the Government of India not to take any further responsibility for feeding Calcutta, is the Government considering the desirability of relaxing this cordon in some way to enable quantities of more than 2½ seers at a time to be brought in for personal consumption?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not wish to be drawn into the controversy whether the Government of India have disclaimed responsibility for feeding Calcutta. I have already pointed out that the Government of India have stated on the contrary that their responsibility for feeding Calcutta continues. The nature of responsibility might have altered. That is a different matter. But I don't think that we can relax rationing in Calcutta at all.

Dr. NALINAKSHA SANYAL: My question has been misunderstood. I don't want rationing to be relaxed. I want to know whether in view of the present improved stock position in the mufassal, Government is considering the desirability of relaxing this cordon in regard to bringing rice for personal consumption from outside into the city?

The Hon'ble Mr. H. S. SUHRAWARDY: No. Relaxation of cordon is equivalent to relaxation of rationing.

Selection of a wholesale dealer for Faridpur.

*156. **Mr. BIRAT CHANDRA MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(*i*) that the wholesale dealership for salt and rice for Faridpur has been given to one Ayub Ali who is the brother-in-law of Maulvi Abdus Salem Khan, Secretary of the Faridpur District Muslim League;

(*ii*) that the said Ayub Ali was formerly owner of a Government controlled shop and was apprehended by the police about a year ago, for removing rice and paddy from his controlled shop for sale in the black market;

(*iii*) that the said Ayub Ali was caught red-handed by villagers of Baneswardi and the Captain of the Home Guards of the Char Jashordi Union while attempting to remove rice and paddy from the controlled shop;

(*iv*) that stolen property of the controlled shop was recovered from the tank in the house of the said Ayub Ali; and

(*v*) that the police submitted a final report of the case?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for selecting the said Ayub Ali for the wholesale dealership in salt and rice for Faridpur?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*)(*i*) Md. Ayub Ali is one of the four wholesalers under the Faridpur Municipal Rationing Scheme. The wholesalership is not confined to salt and rice only, but includes all rationed commodities.

Md. Ayub Ali is a brother-in-law of Maulvi Abdus Salam Khan, Secretary of the Faridpur District Muslim League.

(*ii*) The answer to first part of the question is in the affirmative, and to the second part in the negative.

(*iii*) No. Ayub Ali himself started a case of theft of rice from his controlled shop at Baneswardi *hat*. The case was investigated and found to be true. It appears that a boat was seized after this theft containing about 17 bags of rice which was alleged, by one Bon Behari Bose, Captain of the Home Guards, of Char Jashordi Union, to have been removed by the complainant Ayub Ali himself and others. This version was not proved during the investigation and it is significant that there is enmity between Ayub Ali and Bon Behari Bose over the dealership of the controlled shop at Baneswardi *hat*.

(*iv*) Some rice was recovered from the tank of Ayub Ali, but it could not be proved to be the stolen rice.

(*v*) The police submitted a final report on the complaint of Md. Ayub Ali as sufficient evidence was not available to send up the accused.

(*b*) The wholesale dealers including Ayub Ali were selected on the recommendation of the majority of the non-official members of the Town Supply Committee.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many of the relations of the Secretary of the Faridpur District Muslim League have been in various ways given patronage by Government?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am not aware whether the Secretary of the Faridpur District Muslim League has any other relation.

Dr. NALINAKSHA SANYAL: Does the Hon'ble Minister remember that only two days ago questions were answered in this House in which it was revealed that the uncle of this Secretary of the Faridpur District Muslim League has been in a similar way given certain permits?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not remember. I think the reference was to the same man.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the Police enquired whose rice was it that was found in the tank of Ayub Ali?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that our investigating officers have said whose rice it was.

Dr. NALINAKSHA SANYAL: Who was the investigating officer?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know.

Mr. DHIRENDRA NATH DATTA: With reference to answer (*a*)(*iii*), will the Hon'ble Minister be pleased to tell us who was the investigating officer?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us against whom the prosecution was started?

The Hon'ble Mr. H. S. SUHRAWARDY: Even that I do not know.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what quantity of rice was found in the tank of Ayub Ali?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know.

Scheme for distribution of cotton piecegoods in mufassal areas.

*157. **Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) whether Government had or have prepared any comprehensive scheme for the equitable distribution of cotton piecegoods and yarn in the Province, particularly in the mufassal areas, and for preventing black-marketing and profiteering during the *Puja* and *Id* season and thereafter;

(*ii*) whether such scheme was or is proposed to be made available to the Leaders of parties in the Assembly before final adoption; and

(*iii*) whether it is a fact that Government had adopted or is proposing to adopt selective distribution of cloth and yarn through a limited number of retailers chosen for the purpose and not through all licensed dealers?

(*b*) If the answer to (*a*)(*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the principle or principles followed or proposed to be followed in making the selection of retailers in (1) Calcutta area and (2) the mufassal?

(*c*) Has the attention of Government been drawn to the drawbacks of schemes of selective distribution and to the possibilities of abuses in this connection?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been provided for to prevent such abuses and to cure the drawbacks?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) An emergency distribution scheme was hastily drawn up during the middle of September, 1944, and has since been modified in the light of the experience gained.

(*ii*) No.

(*iii*) Yes, but only in so far as fine and winter seasonal goods are concerned. At present it is being adopted as a temporary measure; whether it will be continued or not is under consideration.

(*b*) Retailers in the Calcutta area and in the mufassal will be selected by a Tribunal appointed for the purpose consisting of Mr. S. C. Roy (Chairman), Khan Bahadur Jasimuddin Ahmed, M.L.A., and Mr. T. Jones, Provincial Textile Controller. All Chambers of Commerce and Associations in Calcutta have been requested to suggest names on a zonal basis and from the

suggestions received, 150 shops will be selected by the Tribunal for the Calcutta area. In the case of the mufassal, the Subdivisional Officers have been requested to suggest five names from each subdivision together with particulars regarding reputation, financial capacity, past business transactions and the number of years during which each firm has been in the business. Out of the suggestions received, the Tribunal will select one shop in each subdivisional town and in special cases, one or two shops will be selected in the interior according to necessity.

(*c*) and (*d*) These are obvious, but it is believed that the appointment of an impartial Tribunal will go a long way towards preventing possible abuses and remedying the drawbacks.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to state who was responsible for hastily drawing up this scheme?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I think a large number of persons were responsible for it including myself.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what stood in the way of preparing the scheme earlier while it was known that the *Puja* and the *Id* season would come at the stated time?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member who knows every thing should recall that stocks of cloth at that moment were very low and there was no certainty that stocks would be arriving from Bombay in time for us to distribute them. It may also be recalled that the Textile Commissioner came down to Calcutta, that we had several conferences with him and he gave us an assurance that he would send some special bales to us. Then the Textile Commissioner went back and sent some special bales in order that we might distribute them during the *Pujas*.

Dr. NALINAKSHA SANYAL: Does this hastily-drawn up scheme refer to the additional stocks sent out by the Textile Commissioner after representation or does it relate to all stocks available in Calcutta at that time?

The Hon'ble Mr. H. S. SUHRAWARDY: It related to the stocks coming in because obviously the honourable member will see that it was commenced with freezing stocks coming into Calcutta.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the freezing of stocks was started several weeks earlier than the time when the so-called hastily-drawn up scheme was put into operation?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think there was very much freezing before that time.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what were the bases or considerations on which the selection of selective shops for distribution as referred to in the emergency scheme was undertaken?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, Sir, some honourable members met together and had a discussion with the Provincial Textile Controller and drew up certain names and permits were given to them in the first instance.

Dr. NALINAKSHA SANYAL: Was any principle followed in that selection?

The Hon'ble Mr. H. S. SUHRAWARDY: So far as I am aware the persons who gave the names were very reliable persons and they gave the names of persons whom they considered to be persons who had shops and who could be in a position to make the distribution properly.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in spite of the urgency of the period attempts to obtain the details regarding the character of the shop, the nature of the shop, the period for which the shop was functioning, the total average sale of the shop and the location and ownership of the shop failed, and that in spite of repeated requests the Provincial Textile Controller's office was not in a position to collect much information even for the city of Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is well aware that the department is so understaffed that it was not able to get this information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the selection of shops a lot of abuse and even suggested corruption was revealed?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, persons are free to make any suggestion but I do not think that in the selection of shops there could have been any such thing. The honourable member himself, I believe, was responsible for the selection of the first batch of shops.

Mr. DEPUTY SPEAKER: Question time over.

Dr. NALINAKSHA SANYAL: Sir, I want to put further supplementary questions.

Mr. DEPUTY SPEAKER: Then this question is held over.

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Public Gambling (Amendment) Bill, 1944, as passed by the Council.

Mr. DEPUTY SPEAKER: There are some amendments of Sir Nazimuddin which I have allowed Khan Bahadur Mohammed Ali to move. This is a special case and should not create any precedent.

Maulvi MUHAMMAD ISRAIL: Sir, I move that the Bengal Public Gambling (Amendment) Bill, 1944, as passed by the Council, be taken into consideration.

In moving this Bill I beg to state that the sole purpose of this amending Bill is to check and suppress gambling in Bengal in all possible ways. The original Act was passed so long ago as 1867. Since then no drastic modification or alteration was made in the Act in the light of defects discovered in the working of this Act. Gambling has increased day by day and it is causing immense suffering to the victims of the same. It is desirable that the Act should be extended to the whole of Bengal and that its provisions should be made more stringent and at the same time more wide, so that unscrupulous people may not escape the punishment due to them owing to lacuna and loopholes discovered in the Act.

The Public Gambling Act was passed as late as 1867. Since then it has been found in actual working of the Act that public gambling could not be stopped, because it does not apply to the whole of Bengal. This should be done by notification in the *Calcutta Gazette*, so that it may apply to those particular areas which this Bill seeks to include to remedy the evils and defects.

I hope I will receive support from every section of the House.

The motion of Maulvi Muhammad Israil that the Bengal Public Gambling (Amendment) Bill, 1944, as passed by the Council be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to.

New Clause 3A.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that after clause 3 the following new clause be inserted, namely:—

"Substitution of new section for section 3.

3A. For section 3 of the said Act the following section shall be substituted, namely:—

Penalty for owning or keeping, or having charge of common gaming-house.

3. Whoever, being the owner or occupier, or having the use of any house, room, tent, enclosure, vehicle, vessel, space or place opens, keeps or uses the same as a common gaming-house;

and whoever, being the owner or occupier of any house, room, tent, enclosure, vehicle, vessel, space or place knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house;

and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, tent, enclosure, vehicle, vessel, space or place opened, occupied, used or kept for the purpose aforesaid;

and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, tent, enclosure, vehicle, vessel, space or place, shall be punished—

(*a*) for the first offence with imprisonment of either description which may extend to three months or with fine which may extend to five hundred rupees;

(*b*) for a second offence with imprisonment which may extend to six months and, in the absence of special reasons to the contrary to be recorded in the judgment of the Court, shall not be less than seven days either with or without fine which may extend to one thousand rupees; and

(*c*) for a third offence or a subsequent offence with imprisonment which may extend to six months and, in the absence of special reasons to the contrary to be recorded in the judgment of the Court, shall not be less than one month together with fine which may extend to one thousand rupees."

Sir, when this Bill was passed in the Bengal Legislative Council, Government accepted the two principles enunciated in this amending Bill; firstly, that sections 4, 5 and 6 of the existing Act be extended to the whole of Bengal; secondly, provision should be made for deterrent punishment on 2nd or 3rd or subsequent convictions. These principles were accepted in the Upper House and according to the accepted provisions of the Bill some

amendments were suggested so as to remove the defects which remained in the Bengal Public Gambling Act of 1867. By section 2 the provisions of sections 7 and 13 are proposed to be extended to the whole of Bengal and therefore there are some consequential amendments necessary in section 3. My amendment is a verbatim copy of the existing section 3 without the words "situate within the limits" and with the words "place". The existing provision of the Act applies only to the city of Calcutta and certain provisions may be extended to Bengal by notification, but this amending Bill proposes that certain provisions should be extended to the whole of Bengal. If this is accepted, even section 3 needs amendment. Only to that effect wherever the word "situate" is in the Act, I have suggested the word "place". The latter part of my amendment is the proposed clause 5 which should come before clause 4. As this should come before clause 4, therefore a new provision, clause 3A is proposed to be added, which is a substitution of section 3.

The motion of Khan Bahadur Mohammed Ali that after clause 3 the following new clause be inserted, namely:—

"Substitution of new section for section 3.

3A. For section 3 of the said Act the following section shall be substituted, namely:—

Penalty for owning or keeping, or having charge of common gaming-house.

3. Whoever, being the owner or occupier, or having the use of any house, room, tent, enclosure, vehicle, vessel, space or place opens, keeps or uses the same as a common gaming-house;

and whoever, being the owner or occupier of any house, room, tent, enclosure, vehicle, vessel, space or place knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house;

and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, tent, enclosure, vehicle, vessel, space or place opened, occupied, used or kept for the purpose aforesaid;

and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, tent, enclosure, vehicle, vessel, space or place, shall be punished—

(a) for the first offence with imprisonment of either description which may extend to three months or with fine which may extend to five hundred rupees;

(b) for a second offence with imprisonment which may extend to six months and, in the absence of special reasons to the contrary to be recorded in the judgment of the Court, shall not be less than seven days either with or without fine, which may extend to one thousand rupees; and

(c) for a third offence or a subsequent offence with imprisonment which may extend to six months and in the absence of special reasons to the contrary to be recorded in the judgment of the Court, shall not be less than one month together with fine which may extend to one thousand rupees,"

was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that for clause 5 the following clause be substituted, namely:—

"Amendment of section 11.

5. In the first and second paragraphs of section 11 of the said Act, the words 'situated within the limits aforesaid' shall be omitted."

Sir, as I have explained previously, because certain provisions are extended to the whole of Bengal, section 11 of the existing Act also needs modification to the extent that the words "situated within the limits aforesaid" should be omitted. This is only a consequential change.

The motion of Khan Bahadur Mohammed Ali that for clause 5 the following clause be substituted, namely:—

"Amendment of section 11.

5. In the first and second paragraphs of section 11 of the said Act, the words 'situated within the limits aforesaid' shall be omitted,"

was then put and agree to.

The question that clause 5, as amended, stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

Maulvi MUHAMMAD ISRAIL: Sir I beg to move that the Bengal Public Gambling (Amendment) Bill, 1944, as settled in the Assembly, be passed.

The motion was then put and agreed to.

(The Bengal Close Season for Fishes Bill, 1943, was called but not moved.)

Mr. DHIRENDRA NATH DATTA: Sir, are we not proceeding with this Bill?

Mr. DEPUTY SPEAKER: No.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what amount of money was spent for this Bill?

(No reply.)

The Bengal Wakf (Amendment) Bill, 1940.

Dr. SANAULLAH: Sir, I beg to move that the Bengal Wakf (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Education Department,
(2) Maulana Shamsul Huda,
(3) Maulvi Abdur Razzak,
(4) Haji Tofel Ahmed Choudhury,
(5) Maulvi Muhammed Ibrahim,
(6) Khan Bahadur Haji Badi Ahmed Chowdhury,
(7) Khan Bahadur Haji Maulana Ahmed Ali Enayetpuri,

(8) Khan Sahib Maulvi Aminullah,
(9) Maulana Muhammad Abdul Aziz,
(10) Maulvi Muhammad Israil,
(11) Mr. Jogesh Chandra Gupta,
(12) Mr. George McIntosh,
(13) Maulvi Abdul Wahed,
(14) Mr. Syed Badrudduja,
(15) Kazi Emdadul Haque,
(16) Mr. Syed Abdul Majid, and
(17) Dr. Sanaullah (the mover),

with instructions to submit their report by the 31st March, 1945, and that the quorum of the Select Committee be fixed at five.

Mr. DEPUTY SPEAKER: Have you got the consent of Maulvi Abdur Razzak, Mr. Wordsworth and Maulvi Azhar Ali?

Dr. SANAULLAH: I have substituted the names of Mr. George McIntosh and Mr. Syed Abdul Majid in places of Mr. W. C. Wordsworth and Maulvi Azhar Ali. As regards Maulvi Abdur Razzak, I have got his consent.

Sir, this Bill was introduced in 1937 and then sent for circulation, but Government has not yet brought their promised amendment to the Bill. Sir, it is long overdue. Under the circumstances, Sir, I request the Hon'ble Minister to kindly accept this motion to refer the Bill to a Select Committee where the Bill could be improved upon, if necessary. Long seven years have elapsed, but nothing has been done as yet. I submit, Sir, that whatever public opinion could be gathered has already been done during these seven years; and if any further improvement is to be effected in this Bill, it may be done in the Select Committee.

With these few words, Sir, I move my motion.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am unable to accept the motion of my honourable friend. I said, in connection with a similar motion in the last session, that Government had in contemplation the introduction of a comprehensive measure to amend the Wakf Act. I told the Assembly on that occasion that Government had appointed a small committee to go into the whole thing and to submit a report. That report has since been submitted and it is under examination, and as soon as the examination is over a Bill will be introduced. Therefore I think that if my honourable friend agrees he may withdraw his motion. Unless he does that, I shall have to oppose it, because I find that some of the provisions of his Bill are of such a drastic nature that it will not be possible to accept them. Sir, the Bill was circulated and opinions were received from various bodies. The only Muslim body from which opinion was received was the Jamiat-ul-ulema, Chittagong, and it is found that that body is not in favour of a Bill like this. Some of the provisions of the Bill are like this. One provision is that the *imams* of all the mosques of the province should be appointed and when necessary dismissed by the Wakf Board. Another provision is that the *zakat* money should be collected by the Board of Wakfs and distributed. These are most controversial proposals and the Board of Wakfs, as at present constituted, is not in my opinion, in a position to administer such affairs. There will be at least one lakh of mosques in the province; to appoint and dismiss the *imams* of so many mosques will be an impracticable proposition for the Board. If my honourable friend withdraws his motion, I can give him this promise, as I did during the last session, that such of the provisions of his Bill as may be acceptable to the Government will be incorporated in the Government Bill, but if he does not withdraw his motion it will have to be opposed.

Dr. SANAULLAH: Sir, in view of the assurance given by the Hon'ble Minister, I beg leave of the House to withdraw my motion.

The motion of Dr. Sanaullah that the Bengal Wakf (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Education Department,
(2) Maulana Shamsul Huda,
(3) Maulvi Abdur Razzak,
(4) Haji Tofel Ahmed Choudhury,
(5) Maulvi Muhammad Ibrahim,
(6) Khan Bahadur Haji Badi Ahmed Chowdhury,
(7) Khan Bahadur Haji Maulana Ahmed Ali Enayetpuri,
(8) Khan Sahib Maulvi Aminullah,
(9) Maulana Muhammad Abdul Aziz,
(10) Maulvi Muhammad Israil,
(11) Mr. Jogesh Chandra Gupta,
(12) Mr. George McIntosh,
(13) Maulvi Abdul Wahed,
(14) Mr. Syed Badrudduja,
(15) Kazi Emdadul Haque,
(16) Mr. Syed Abdul Majid, and
(17) Dr. Sanaullah (the mover),

with instructions to submit their report by the 31st March, 1945, and that the quorum of the Select Committee be fixed at five, was then, by leave of the House, withdrawn.

The Bengal Steamer Khalasis Bill, 1943.

Dr. SANAULLAH: Sir, I beg to move that the Bengal Steamer Khalasis Bill, 1943, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of Commerce, Labour and Industries Department,
(2) Mr. J. N. Gupta,
(3) Mr. C. Griffiths,
(4) Mr. A. M. A. Zaman,
(5) Mr. Ginsuddin Ahmed,
(6) Khan Bahadur Haji Badi Ahmed Chowdhury,
(7) Mr. Syed Abdul Majid,
(8) Mr. Ahmed Hossain,
(9) Mr. S. A. Salim,
(10) Mr. Shahedali,
(11) Mr. Muhammad Barat Ali,
(12) Maulvi Idris Ahmed Mia, and
(13) Dr. Sanaullah (the mover),

with instructions to submit their report by the 30th April, 1945, and that the quorum of the Select Committee be fixed at five.

Mr. DEPUTY SPEAKER: Dr. Sanaullah, you have not got the consent of Mr. Aftab Ali, Mr. Shamsuddin Ahmed Khondkar, Mr. B. Mukherjee and Mr. Syed Ahmed Khan.

Dr. SANAULLAH: Sir, I have omitted those names.

Sir, this Bill is long overdue. It was circulated for eliciting public opinion thereon, and out of 64 institutions about 61 institutions have supported the provisions of this Bill. Under the circumstances, the Hon'ble Minister may kindly agree to accept my motion.

Mr. DHIRENDRA NATH DATTA: What are the main provisions of the Bill?

Dr. SANAULLAH: I am coming to that. I submit, Sir, that the *serangs* who are in charge of steam-vessels plying in the province of Bengal are the recognised employers, and the *khalasis* are at the tender mercy of these *serangs* as the *khalasis* are not directly recognised as the employees of the

Steamer Companies. The *serangs* draw the salaries of the *khalasis* on the basis of each vessel. Suppose a Steamer Company employs 10 or 12 *khalasis* in a vessel and the salaries of the *khalasis* are between Rs. 20 and Rs. 30 for each *khalasi*, the total amount is drawn by the *serang* and he distributes the money among the *khalasis* and thus exploits them and sometimes after a few days—after a month or 15 days he drives them away on some pretence or other and often—he deducts something from the salary and pays them less. So, Sir, the *khalasis* are at the tender mercy of the *serangs* and these poor people have been compelled by circumstances to acquiesce in this. They have got no other alternative but to submit to the cruelties of the *serangs*. In pre-war Burma especially when there were the Arakan Flotilla Company and the Irrawaddy Flotilla Company and Government steam-vessels there, the *khalasis* as well as the *serangs* were directly recognised by the employers. But here the employers have got no connection whatsoever with these poor *khalasis*. So, the main provision in my Bill is the recognition of *khalasis* directly by the employers, the Steamer Companies. That is the main provision, Sir.

As regards the scale of salaries of course, that is not at present suitable, because it should be raised to Rs. 50 per month or it should be Rs. 20 *plus* free food. That can easily be done in the Select Committee. That is the main provision of the Bill. Sir, most of the institutions to which this Bill was referred for an expression of opinion have supported it. In the circumstances I hope the Hon'ble Minister will kindly agree to do the bare justice to these poor people and refer the Bill to a Select Committee. If further improvement is desirable it can be effected in the Select Committee itself.

With these words I commend my motion to the acceptance of the House.

Mr. DEPUTY SPEAKER: Dr. Sanaullah, I take it that you have moved your motion substituting the name of Khan Bahadur Haji Badi Ahmed Chowdhury for the name of Khan Bahadur Muhammad Anwarul Azim.

Dr. SANAULLAH: Yes, Sir. I have done it.

The Hon'ble Mr. Khwaja SAHABUDDIN: I beg to move, by way of amendment, that the Bengal Steamer *Khalasis* Bill, 1943, be re-circulated for the purpose of eliciting opinion thereon by the 30th April, 1945.

Mr. ATUL CHANDRA SEN: Enough opinion has already been elicited.

The Hon'ble Mr. Khwaja SAHABUDDIN: So far as the question of enough opinion is concerned, I may state for the information of the House that opinions so far received are only from certain district boards and municipalities. It is very difficult to judge how far the district boards or municipalities are competent to express any opinion on this subject. Except the fact that *khalasis* live within the limits of certain municipalities I do not think the municipalities have got much concern in the matter.

Mr. ATUL CHANDRA SEN: The Clive Street people are most competent to give opinions.

The Hon'ble Mr. Khwaja SAHABUDDIN: That is another matter. The opinions so far received are not at all helpful. Some are to the effect that they are not interested in the matter. Some merely state that they have no objection to the Bill, while others state that they are generally in sympathy with the objects of the Bill. In this connection the opinion of the English Bazar Municipality may be quoted which is that the Bill is not connected with the municipal administration and that therefore the municipality has no comments to make.. The Municipality of Jalpaiguri has not approved of the Bill, while the Municipality of Burdwan is of the

opinion that the proposals dealt with in the Bill should be left to be decided between the employers and the employees. I do not know why the District Officers were not consulted in this matter.

Mr. ATUL CHANDRA SEN: Will you kindly quote other municipalities?

The Hon'ble Mr. Khwaja SHAHABUDDIN: No, as I have already said, the municipalities are not the bodies who are competent or are directly interested in the matter.

Mr. ATUL CHANDRA SEN: You have quoted only two municipalities.

The Hon'ble Mr. Khwaja SHAHABUDDIN: I have stated that the opinions which some of the municipalities have expressed are undecided and unhelpful.

Mr. ATUL CHANDRA SEN: You have quoted two municipalities. Please quote more.

The Hon'ble Mr. Khwaja SHAHABUDDIN: I think I had better ignore these interruptions. Opinions have also been invited from important Chambers of Commerce in the province and Steamer Companies and organised unions of workers working in the steamers. But it is a curious fact that none of these bodies have yet sent any opinion on the Bill.

Mr. SURENDRA NATH BISWAS: Because it goes against their interests.

The Hon'ble Mr. Khwaja SHAHABUDDIN: If you feel that way then there is no justification for this Bill at all. The Chambers of Commerce and the organised unions of workers are the people most interested in the proposed legislation. Sir, I may say that there are certain features in the Bill with which Government are in sympathy.

Sj. NARENDRA NATH DAS GUPTA: What are those features?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Government is considering all the features. Sir, it is a matter which is under the close consideration of the Government. Apart from the fact that certain opinions have already been received, examined and analysed another factor has got to be taken into account. Any legislation of this character has got to be undertaken with very great care, specially at the present moment when river services are very important factors in the war transport. I therefore move the motion for re-circulation of the Bill.

Mr. DHIRENDRA NATH DATTA: Mr. Deputy Speaker, Sir, I rise to support the motion moved by Dr. Sanaullah for referring the Bill to a Select Committee and oppose the motion of the Hon'ble Mr. Khwaja Shahabuddin for recirculating the Bill for eliciting opinion thereon.

Sir, the main provisions of the Bill have been placed before the House eloquently by my friend, Dr. Sanaullah. It is a struggle between the poor *khalasis* and the vested interests. When there is a fight between poor men and vested interests this Government always sides with the latter. The provisions of the Bill are very clear and opinions have also been obtained on them, and now the Hon'ble Minister says that they are in close sympathy with the provisions of the Bill. There is therefore absolutely no reason why the Bill should be recirculated. Opinions, as I said, have already been obtained from various public bodies and nothing remains to be done. Moreover, we are here and we know all the provisions of the Bill. We

have heard the declaration made by the Hon'ble Minister that Government is in sympathy with the Bill. If that is so, there is no point in circulating the Bill unless Government is here playing the part of a hypocrite. It appears that Government intends to shelve the Bill. They are in sympathy with persons who have got vested interests and the river steamer companies. They have only a lip-deep sympathy with the people whom the Bill seeks to benefit. The provisions of the Bill are very salutary in character, and I hope my friends on the other side will not object to the Bill being referred to a Select Committee.

With these words, I support the motion of Dr. Sanaullah and oppose the motion of the Hon'ble Minister in charge for recirculation.

Khan Bahadur Haji BADI AHMED CHOUDHURY: মাননীয় Deputy Speaker সাহেব: Dr. Sanaullah সাহেব (laughter and noise from members of the Government) আপনারা প্রত্যেক কথায়ই ঠাট্টা করছেন, লজ্জা নাই? প্রত্যেক কথায়ই ঠাট্টা বিদ্রূপ!

মৌলানা Dr. Sanaullah, M.A., Ph.D., Bar.-at-Law, Chairman, District Board, M.L.A., যে প্রস্তাব করেছেন সেই প্রস্তাব সমর্থন করিয়া আমি দু'টি কথা বলিতেছি। মাননীয় Minister সাহাবুদ্দিন সাহেব যে circulationএর জন্য প্রস্তাব করিয়াছেন তাহাতে আমি সম্পূর্ণ আপত্তি করিতেছি। এই Bill circulationএর জন্য গতবার দেওয়া হইয়াছে; তার opinion আসিয়া গিয়াছে। অনুগ্রহ করিয়া তাহা দেখাইলে সন্তুষ্ট হইব। আমি আরো দু'টি কথা বলিতেছি; যদি এখানে গরীবের কোন উপকার সাধনের চেষ্টা করা হয় সেখানেই আমাদের বর্ত্তমান মন্ত্রিমণ্ডলীর আপত্তি গিয়া পেঁছায়। ধনীর বেলা সে আপত্তি থাকে না। এই বিলটি আনা হইয়াছে, steamer খালাসী অর্থাৎ কুলী যারা steamerএ খাটে তাদের সংস্থানের জন্য। তাহাদের সারেং এদের নামে কোম্পানীর টাকা গ্রহণ করে অথচ এরা বঞ্চিত হয়। আমি অনুরোধ করি মাননীয় সাহাবুদ্দিন সাহেবকে, তিনি উদ্যোগী হইয়া সানাউল্লা সাহেবের প্রস্তাব গ্রহণ করবেন।

Sj. NARENDRA NATH DAS GUPTA: আমি যে জেলার লোক, তাদের সব সময় নদী, খাল, নালার সঙ্গে সম্পর্ক। বাঘ আর কুমীরের সঙ্গে লড়াই করে তাদের চলতে হয় এবং সব সময় আমাদের ষ্টীমারের খালাসী এবং সারেংএর সঙ্গে আলাপ-আলোচনা এবং সংস্পর্শে আসতে হয়। চট্টগ্রাম সেই জেলা যে জেলা থেকে অধিকাংশ খালাসী আমদানী হয়ে থাকে। আমরা জানি এই ষ্টীমার কোম্পানীর খালাসীদের সুযোগ-সুবিধা এবং চাকরীর স্থায়িত্ব না থাকার দরুণ তাদের দায়িত্ববোধ তেমন প্রবল নয়। ফলে অনেক সময় নিজেদের অবস্থা সম্বন্ধে কোন প্রকার স্থায়ির বুদ্ধি না থাকায়, তাদের ব্যবহার ভদ্র ও পরিমার্জিত হয় না। এটা জনসাধারণের পক্ষে অত্যন্ত ক্ষতিকর হয়ে দাঁড়ায়। আমি বলছি সেদিক থেকে যে অবিবেচক ও স্বার্থপর vested interestএর সঙ্গে কর্ম্মচারীদের সংঘর্ষ চিরদিনই লেগে আছে। কিন্তু আমরা, যারা জনসাধারণ, যারা খালাসী নয় তাদের দিক দিয়ে বলছি যদি এই খালাসীদের অবস্থার উন্নতি না হয় তবে এই জনসাধারণের অসুবিধা হবে বেশী। আর যদি খালাসীরা বুঝতে পারে তাদের চাকরীর স্থায়িত্ব আছে, pension আছে, provident fund আছে, তাহ'লে তাদের চাকরীর জন্য দরদ হবে এবং তাদের কর্ত্তব্যবুদ্ধি সুনিয়ন্ত্রিতভাবে পরিচালনা করবে। আমাদের মন্ত্রী মহাশয় আপত্তি করে বলেছেন যে তিনি এই প্রস্তাব দিচ্ছেন যে এটি জনসাধারণের মত গ্রহণের জন্য পুনরায় বিতরণ করা হোক। সে ত একবার করাই হয়েছে। (Mr. ATUL CHANDRA SEN: জনসাধারণের নয় শুধু Clive Street) Clive Streetএর মত কি হবে সে কথা তিনি ভাল রকমই জানেন। Clive Streetও তা জানে এবং খালাসীরা আরও ভাল জানে। কাজেই যদি Clive Streetএর মতের জন্য অপেক্ষা করতে হয় তাহলে খালাসীদের দেহপিঞ্জর থেকে তাদের আত্মা খালাস হয়ে গেলেও তাদের ভাগ্য কিছু সুপ্রসন্ন হবে না। দ্বিতীয়তঃ আর একটি কথা বলছি, এই খালাসীদের মধ্যে একশ'জন না হোক ৯৯ জনই মুসলমান। কাজেই সেই মুসলমানদের দিক দিয়া একটু দরদ বুদ্ধি থাকা—তাদের ভাগ্য সম্বন্ধে বর্ত্তমান মুসলিম লীগ গভর্ণমেণ্টের একটু দরদ ও সহানুভূতি থাকা বোধ হয় অযৌক্তিক হয় না। Select Committee প্রস্তাব করেছেন Dr. Sanaullah. এই Select Committeeতে তাঁরা মতামত সম্পূর্ণরূপে বলতে পারবেন এবং কিভাবে কি হবে সমস্তই তাঁরা করতে পারবেন। সেই সুযোগ Dr. Sanaullah দিয়াছেন। কাজেই আমি আশা করি এই সমস্ত বিষয় পর্য্যালোচনা করে Government অন্ততঃ তাদের মুসলিম লীগের মুসলিমত্ব বজায় রাখবার জন্য Dr. Sanaullahর প্রস্তাব গ্রহণ করবেন।

The motion of the Hon'ble Mr. Khwaja Shahabuddin that the Bengal Steamer *Khalasis* Bill, 1943, be recirculated for the purpose of eliciting opinion thereon by the 30th April, 1945, was then put and a division taken with the following result:—

AYES—59.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Majid, Mr. Syed (Noakhali).
Abdur Rasheed, Maulvi Md.
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prasad.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Gladding, Mr. D., C.I.E.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Khan Sahib Maulvi Md.
Hasina Murshed, Mrs., M.B.E.
Hirtzel, Mr. M. A. F., O.B.E.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Leisk, Mr. John.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Rai Sahib Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Maniruddin Akhand, Maulvi.
Methold, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Mustagawsai Haque, Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Raikut, Mr. Prasanna Deb.
Sahebe-Alam, Mr. Syed.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Whitehead, Mr. R. B.
Yousuf Mirza.
Zillur Rahman Shah Choudhury, Maulvi.

NOES—30.

Abdul Wahed, Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Banerji, Mr. P.
Barman, Mr. Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Mr. Surendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Nasker, Mr. Hem Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen, Mr. Dhirendra Nath.
Sen-Gupta, Mrs. Nellie.
Sinha, Srijut Manindra Bhusan.
Thakur, Mr. Pramatha Ranjan.
Wallur Rahman, Maulvi.

The Ayes being 59 and the Noes 30, the motion was agreed to.

The Bengal Medical (Amendment) Bill, 1940.

Dr. SANAULLAH: Sir, I beg to move that the Bengal Medical (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Public Health and Local Self-Government Department,
(2) Dr. A. M. Malik,
(3) Dr. Mafizuddin Ahmed,
(4) Mrs. Nellie Sen Gupta,
(5) Rai Sahib Anukul Chandra Das,

(6) Mr. R. A. Gomes,
(7) Khan Bahadur Maulvi Kabiruddin Khan,
(8) Mr. J. N. Smart,
(9) Khan Sahib Maulvi Muhammad Hasanuzzaman,
(10) Khan Bahadur Haji Badi Ahmed Chowdhury,
(11) Khan Bahadur Jasimuddin Ahmed,
(12) Mr. J. W. Chippendale,
(13) Mr. Hem Chandra Nasker,
(14) Khan Sahib Hamiduddin Ahmad, and
(15) Dr. Sanaullah (the mover),

with instructions to submit their report by 30th June, 1945, and that the quorum of the Select Committee be fixed at five.

Sir, in moving this motion I like to draw the attention of the honourable members of this House to the scarcity of doctors specially in the rural areas of Bengal. It is an admitted fact that there is dearth of qualified and registered doctors in all areas specially due to Military work and now-a-days the rural people are left with the only alternative of quack doctors and unregistered doctors. Most of these doctors also are put to great difficulties by the provisions of the Indian Poisons Act. Under the provisions of that Act these unregistered medical practitioners of rural areas cannot procure certain specified drugs which are scheduled in that Act. So they are handicapped in this humanitarian work of serving the rural people in these days of epidemics.

This Bill also has been before the public for a very long time. Since 1914 various attempts were made to get these people registered but on various occasions on some pretence or other, this was denied. Similar Bills have already been passed in the provinces of Bombay, Madras, United Provinces and the Punjab and even in England. In England the Bill was passed in the year 1858 and the provisions for giving concession to those who were not registered were extended for 17 years up to the year 1875. In the Bengal Medical Act of 1914, only two years' extension was given to the unregistered doctors for getting themselves registered within that period but after that they tried times without number to get this concession extended but in vain. Even the Hon'ble Mr. Tamizuddin Khan also moved this Bill as a private member's Bill. The question was not so very serious because there were plenty of doctors. The district boards used to give a petty sum of Rs. 40 to the kala-azar doctors but now-a-days they are providing Rs. 100 or more to those kala-azar doctors because there is dearth of doctors. Specially in my village I have got no other registered doctors, only there are unregistered doctors. Equity also demands that these people should get this concession. Most of these people numbering about 500, some of them by this time must have died and still there would be, I think, 300 left, have served in various tea gardens, collieries and also rural people, but their certificates are not accepted by Government and they are not allowed to sit in consultation with senior registered doctors. These are their difficulties and the greatest difficulty in their way is the procurement of specified drugs which are scheduled in the Indian Poisons Act.

Sir, this Bill was formerly once sent to the Select Committee and at that time the mover was Rai Sahib Anukul Chandra Das, but it was manœuvred to lapse by not allowing the Select Committee to sit so it was not gone through. Under the circumstances I earnestly request the Hon'ble Minister in charge who is seriously ill through his Parliamentary Secretary and by this time, I hope he has authorised his Parliamentary Secretary Khan Sahib Hamiduddin Ahmad, to agree to send this Bill to the Select Committee. I may mention here that I went to his residence to get his consent but he pleaded his inability without the file and his Secretary.

Mr. ATUL CHANDRA SEN: Sir, I also want to make some observations.

Mr. DEPUTY SPEAKER: In that case I adjourn the House for prayer.

(The House was at this stage adjourned for 15 minutes for prayer.)

(*After adjournment.*)

Mr. ATUL CHANDRA SEN: Mr. Deputy Speaker, Sir, I rise to accord my wholehearted support to the Bill moved by my honourable friend Dr. Sanaullah. In moving his Bill Dr. Sanaullah has placed the finger on the right spot in the medical requirements of the province. The medical problem of the province is not so much a problem of the towns and cities as of the villages. How many villages are there in the province which can claim an M.B. or even a Mitford or Campbell passed doctor? And again how many people there are who can afford to pay Rs. 32 or Rs. 16 or even Rs. 8 to an M.B. or a Mitford or a Campbell passed doctor? Most people cannot afford to pay medical bills and cannot call doctors who are ordinarily known to be competent. Something has got to be done which will enable these people to avail of cheap medical aid, especially in villages, and this cheap medical aid can be given only by doctors who have passed from a non-official school in the province, but unfortunately for want of registration they cannot use certain drugs and are therefore handicapped in their profession. If you raise the question of competency, I will say that I have been personally associated with a medical school in the city of Dacca since it was started in 1921 under the patronage of Deshbandhu Chittaranjan Das. This school, I may state, has got outdoor and indoor hospitals. It is well-staffed. The staff of this school is in no way inferior to the Government school existing in the city of Dacca. I know of certain students who have passed from this school. They are practising in the city and they can hold their own against any ordinary M.B. of the Calcutta Medical College not to say of medical schools. Now what is their fault? Because perchance they could not have an opportunity of having their training in the Calcutta Medical College or Belgachia Medical College or a Government Medical School they will be debarred from facilities which are extended to the graduates of those Colleges! The situation of the country, as it stands today, demands that something has got to be done to give these private students proper opportunities. You are taking fourth-year students of the Medical College for medical work in the villages today. Are we to understand that one who has fully qualified himself by going through the course and training of a medical school of the nature I have described, is in any way inferior to an ordinary fourth-year student of the Medical College? If it is not so, there is no earthly reason why those students should be debarred from the opportunities which are extended to the students of the recognised Government medical institutions. For this reason I think the facilities asked for in the Bill have got to be extended to the people for whom they have been asked and the Bill proposing the same accepted.

Sj. NARENDRA NATH DAS GUPTA: Mr. Deputy Speaker মহোদয়, এই বিলটি পূর্বে অনুকূলচন্দ্র দাস মহাশয় আনয়ন করেছিলেন এবং তখনকার মন্ত্রিবর্গ এই বিলটি গ্রহণ করে Select Committeeতে পাঠিয়েছিলেন। রায় সাহেব অনুকূল দাস তিনি আছেন কি না আছেন, সেটা বড় প্রশ্ন নয়, তাঁর বিলটিই হচ্ছে বড় প্রশ্ন। এখন সেই বিলটি Select Committeeতে যাওয়ার পর নানাবিধ আইনের ওজুহাতে অকেজো হয়ে যায়; কিন্তু Government যে বিলটি গ্রহণ করবার নীতি স্বীকার করেছেন সেটা আজ পর্যন্ত স্থায়ী আছে। কাজেই প্রদিক থেকেও উচিত এই বিল Select Committeeতে পাঠিয়ে একে আইনে বিধিবদ্ধ করা। দ্বিতীয়তঃ, প্রশ্ন হচ্ছে বর্তমানে যে কথাটা উঠেছে: এই দেশবন্ধু Medical School যেটি আজ University affiliated হয়েছে, বহু ছাত্র সেখান থেকে পাশ করেছে। এই affiliation পাওয়ার পূর্বে ও এই বিদ্যালয়ে যে staff ছিল পরেও সেই staff আছে। সমস্ত ঠিক আছে,

বই, পাঠ্য পুস্তক সব ঠিক আছে এবং ঠিক একইভাবে পরীক্ষা দিয়ে তারা পাশ করেছে। তারা হয়ে গেল quack; আর affiliation পাওয়ার পর যারা পাশ করেছে তারা হোলো ঠিক qualified ডাক্তার। এই যে একটা বড়বড় অবিচার করা হচ্ছে এই সমস্ত ছেলেদের উপর, যারা ঠিকমত শিক্ষা পেয়েছে এবং আত্মপ্রতিষ্ঠাকে ভিত্তি করে যে সমস্ত বিদ্যালয় গড়ে উঠেছিল তাদের মধ্যে থেকে যারা পাশ করে বেরিয়েছে, আজ তাদের সেই চিকিৎসা ব্যাপদেশে কোন অধিকার নাই। পূর্ব্ববর্ত্তী বক্তারা বলেছেন যে তাঁরা বহু যায়গায় অতিশয় সুনামের সঙ্গে চিকিৎসা করছেন; কিন্তু বিষ এবং অন্যান্য অনেক ঔষধ আছে যা তাঁরা কিনতে পারেন না। তার ফলে হয় এই যে, সে সমস্ত জিনিষ পেতে হলে পর অন্যের শরণাপন্ন হতে হয় সেই সমস্ত ঔষধ বাদ দিয়ে অন্য ঔষধের উপর অবলম্বন রেখেই তাঁদের চিকিৎসা করতে হয়। ফলে যে সমস্ত রোগী তাদের চিকিৎসাধীন থাকে, তারা উপযুক্ত ঔষধ এবং চিকিৎসার সুযোগ পুরোপুরি পায় না। তারপর যা পূর্ব্ববর্ত্তী বক্তারা বলে গিয়েছেন, আজ সমগ্র দেশব্যাপী malaria'র তাণ্ডব নৃত্য চলেছে এবং সে তাণ্ডব নৃত্যের সঙ্গে Government সম্পূর্ণ অপারগ হয়ে গিয়েছেন সংগ্রাম করতে। আজ যাকে তাকে দিয়ে যে কোন relief committee দিয়ে তাঁরা quinine বিতরণ করছেন, যাকে তাকে দিয়ে নানাভাবে বাঁচাতে চেষ্টা করছে। সেটা হয়ত Governmentএর সাধু প্রচেষ্টা; কিন্তু সে সাধু প্রচেষ্টা আরো কার্য্যকরী এবং বলবৎ হতে পারে যদি এই সমস্ত ডাক্তারদের, যাঁরা দীর্ঘদিন practice করছেন এবং যাঁরা পাশ করেছেন এই সমস্ত উপযুক্ত বিদ্যালয় থেকে, তাঁদের Government registrationএর অনুমতি দিয়ে যদি registered ডাক্তার করে নেন তাহলে জনসাধারণ আরো বেশী উপকৃত হতে পারে।

Khan Bahadur Haji BADI AHMED CHOWDHURY: আমি এই বিল সম্বন্ধে আপনাদের নিকট কিছু নিবেদন করিতেছি। আমি পাড়াগাঁয়ে থাকি। সেখানে আজকাল Medical Officer এক রকম নাই। খান সাহেব হামিদুদ্দিন সাহেব আজকে এখানে আছেন। তিনি তাঁহার—(Loud noise from the Coalition benches drowning the voice of the speaker).

Khan Sahib HAMIDUDDIN AHMAD: Sir, the hon'ble member has said "আমার প্রভু Holland সাহেব"; Is that Parliamentary?

Mr. DEPUTY SPEAKER: May I know, Khan Bahadur, the expression you have used?

Khan Bahadur Haji BADI AHMED CHOWDHURY: সত্য কথা বললে ত ভাল লাগে না, ঝাল লাগে। (A VOICE: আপনাকে বললে কেন আপনি চটে ওঠেন?)

Mr. DEPUTY SPEAKER: Order, Order, Khan Bahadur, what is the remark you used? আপনি কি বলেছেন? আপনার সেই শব্দটী কি?

Khan Bahadur Haji BADI AHMED CHOWDHURY: আমি বলিয়াছি, খান সাহেব তিনি এই বিলটী oppose করিবেন বলিয়া Dr. Sanaullah সাহেবকে বলিয়াছেন, এজন্য দুইটী কথা বলিতে বাধ্য হইয়াছি।

Mr. DEPUTY SPEAKER: আপনি অন্য কোন শব্দ যদি ব্যবহার করিয়া থাকেন, সেটী কি? (Noise).

Khan Bahadur Haji BADI AHMED CHOWDHURY: আমি এই কথা বলিয়াছি (Interruptions and shouting drowning the voice of the speaker). সত্য কথা বলিলে তাদের একটু লজ্জা লাগে বৈকি! এখন আমি বলতে চাই বর্ত্তমানে Medical Secretary, Medical Parliamentary Secretary এবং Civil Surgeonগণ পাড়াগাঁয়ে আমাদের ডাক্তারখানায় ডাক্তার supply করিতে পারিতেছেন না। আমার জমিদারী এলাকায় অনেক dispensary. আজ দুই বৎসর হইতে সেখানে ডাক্তার নাই। "আজাদ পত্রিকা" এবং অন্যান্য পত্রিকাতে বিজ্ঞাপন দেওয়া সত্বেও ডাক্তার পাওয়া যায় নাই। আমার নিজের dispensary—সেখানেও ডাক্তার পাওয়া যায় নাই। ডাক্তারখানা করিয়া অসংখ্য টাকা গভর্ণমেণ্টের ব্যয় হয়। কিন্তু ডাক্তার দেওয়ার ক্ষমতা তাহাদের নাই। বর্ত্তমানে ডাক্তারের কি দরকার তাহারা নিজেরা হৃদয়ঙ্গম করিতেছেন; কিন্তু দেশের publicএর দ্বারা প্রতিষ্ঠিত যে সমস্ত medical school, college, সেগুলি Governmentএর নয় সেখান হইতে যাহারা ডাক্তারী পাশ করিবে তাহাদের certificateএর কোন মূল্য হইবে না। এই জন্য আমি বলিতেছি যেমন মারা যাইবার সময় কোন হারাম জিনিষ খাইতে পারে কিন্তু পূর্ণ্য পারে না সেইরূপ এখন বহু ডাক্তার বিলিটারীতে লইয়াছেন। এই অবস্থায় দেশে যে সমস্ত ডাক্তার আছে, যে সব ডাক্তার Government Medical

School ছাড়া, অন্যান্য স্কুল হইতে পাশ করিয়াছেন তাহাদের নেবার জন্য এই বিলটী Dr. Sanaullah আনয়ন করিয়াছেন। তাহা আমি সমর্থন করিতেছি। আর আমি বলি এই রকম একটী বিল Select Committeeতে দেওয়া হইয়াছিল। কিন্তু সময় অভাবে সেই বিলটী পেশ হইতে পারে নাই। আজকে এই বিলটী Government বাধা দিতেছেন কেন আমি বুঝিতেছি না। আমি এই প্রসঙ্গে আর একটী কথা বলিতেছি। আমার দেশের একটী ডাক্তার ফররোক আহম্মদ, সে ইংরেজী জানে না। সে একটী certificate দিয়াছিল। দেশের একটী লোক মারামারি করিয়া জখম হয়। তাহার পেট কাটিয়া খুন বাহির হয়। আমি তাহাকে হাসপাতালে পাঠাই। ডাক্তার ফররোক আহম্মদ তাহাকে ব্যাণ্ডেজ করিয়া দিলে Civil Surgeon তাহাতে সন্তুষ্ট হইয়া ঐ রোগীকে বিদায় দিবার সময় পুনঃ আরও কয়দিন ঐ ডাক্তারের তত্ত্বাবধনে রাখার জন্য লিখিয়াছেন। এমন লোক আছে যাহারা পাশ করা M. B. ডাক্তার হইতে অনেক ভাল। এবং আমি আরও বলি, চাটগাঁয়ের অভিজ্ঞতা হইতে বলিতেছি, অনেক M. B. ডাক্তার injection দিবার সময় আমরা ব্যথা পাই এবং সেখানে এত বড় বড় ফোড়া হইয়া পাকিতে আরম্ভ করে। কিন্তু medical schoolএ, private schoolএর ডাক্তার Campbell পাশ করা নয় তাহারা injection দিলে ফোড়া বা এই সব বেদনা হয় না। যাহার বুদ্ধিশুদ্ধি আছে, ঔষধ বাছাই করিবার ক্ষমতা আছে, যাহার medical জ্ঞান আছে এই রকম লোককে certificate দেওয়া এবং recognise করিবার জন্য যে আইন উপস্থিত হইয়াছে অনুগ্রহ করিয়া তাহাতে বাধা না দিয়া Select Committeeতে দেন এবং সেখানে তাহা দরকারমত পরিবর্ত্তন করিয়া দিবেন। আমি আশা করি এবং অনুরোধ করি যে এই বিলটীকে আপনারা বাধা দিয়া দেশের লোককে আর মারিয়া ফেলিবেন না।

Khan Sahib HAMIDUDDIN AHMAD: Sir, I beg to oppose the motion of Dr. Sanaullah for referring his Bill to a Select Committee. I should like to explain in brief why Government cannot see its way to accept the motion of Dr. Sanaullah. The main object of the Bill is to amend section 17 of the Bengal Medical Act, 1914, and my friend proposes to give permission for the registration of those persons who have undergone a full course of training in any Medical College or School recognised after the passing of the Act and obtained a certificate to that effect from the head of such approved College or School and who had been practising as medical practitioners on the date when the Act came into force. That is the first amendment proposed by Dr. Sanaullah. In this connection I beg to say that those who were qualified prior to 1914 are mostly not in the land of the living and those who did not avail of the opportunity in the year 1914—which opportunity was extended for 4½ years and in some cases for about 10 years—do not any longer deserve any consideration. I think that there may be very few people of that nature who qualified themselves as far back as 1914 and who will come forward to get themselves registered now. I agree with my friend that there is a great scarcity of medical practitioners or doctors in Bengal. But I should like to ask Dr. Sanaullah and my other friends who have supported him whether the registration of unqualified or underqualified or almost quacks will remove that difficulty or will in any way remove the scarcity of doctors. The main proposal of Dr. Sanaullah is only to recognise some of these medical practitioners and nothing more. I feel that there are some private institutions which are imparting medical training to students——

Mr. ATUL CHANDRA SEN: In a most efficient manner.

Khan Sahib HAMIDUDDIN AHMAD: I don't agree to that. If they do and if they come up to the standard, when they will approach Government, Government will be only too glad to consider the question of granting recognition to those institutions.

The second proposal of Dr. Sanaullah is to allow registration of any person who has obtained proper training in any medical institution and will join the medical profession within a year from the date of enforcement of this amendment Act of 1940, provided that he passes the final L.M.F. Examination of the State Medical Faculty by appearing in one subject at a time.

I submit that another proposal of Dr. Sanaullah is to remove those medical practitioners who have already registered themselves and have got any kind of connection with any non-recognised medical institution. This will debar many of the best doctors who are in one way or the other connected with non-recognised schools and who are registered as medical practitioners. The main objects of the Medical Act are first, to protect the western medical science from dis-repute which may arise from want of proper training on the part of its votaries, secondly to enable the public to distinguish properly qualified men from those who are not so and thirdly to protect the holders of various degrees and diplomas from unfair competition. If the proposal of Dr. Sanaullah is accepted, the main object of the Act will be frustrated. In the circumstances Government have no other alternative than to oppose the motion of Dr. Sanaullah.

The motion of Dr. Sanaullah that the Bengal Medical (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Public Health and Local Self-Government Department,
(2) Dr. A. M. Malik,
(3) Dr. Mafizuddin Ahmad,
(4) Mrs. Nellie Sen Gupta,
(5) Rai Sahib Anukul Chandra Das,
(6) Mr. R. A. Gomes,
(7) Khan Bahadur Maulvi Kabiruddin Khan,
(8) Mr. J. N. Smart,
(9) Khan Sahib Maulvi Muhammad Hasanuzzaman,
(10) Khan Bahadur Haji Badi Ahmad Chowdhury,
(11) Khan Bahadur Jasimuddin Ahmed,
(12) Mr. J. W. Chippendale,
(13) Mr. Hem Chandra Nasker,
(14) Khan Sahib Hamiduddin Ahmad, and
(15) Dr. Sanaullah (the mover),

with instructions to submit their report by the 30th June, 1945, and that the quorum of the Select Committee be fixed at five, was then put and lost.

The Bengal Hindu Women's Rights to Agricultural Land Bill, 1944.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move for leave to introduce the Bengal Hindu Women's Rights to Agricultural Land Bill, 1944.

(The Secretary then read the short title of the Bill.)

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that the Bengal Hindu Women's Rights to Agricultural Land Bill, 1944, be taken into consideration.

Sir, I want to make no speech but would like to say only one or two words. My Bill is practically a re-version of the Hindu Women's Rights to Property Act of 1937 passed by the Government of India. The reason for my bringing in this Bill in this House is that after that Central Act was passed, the Federal Court held that that Act did not apply to agricultural land because "Agriculture" was a provincial subject. It was the duty of all Provincial Governments to bring in such Bills so that the essence of that Act might apply to all including agricultural land in all the provinces. My regret is that the Government of Bengal has not brought any such Bill for being passed into law the necessity of which was felt long ago. They will find that the other Provincial Governments have adopted such laws. I would only say that this Bill should have been passed long ago, and as I have moved for consideration of the Bill I hope Government will see its way to accept my motion.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move, by way of amendment, that the Bengal Hindu Women's Rights to Agricultural Land Bill, 1944, be circulated for the purpose of eliciting opinion thereon, with your permission, by the 31st of March, 1945.

Mr. SURENDRA NATH BISWAS: Sir, I accept the amendment.

The motion of the Hon'ble Mr. Tarak Nath Mukherjea that the Bengal Hindu Women's Rights to Agricultural Land Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 31st of March, 1945, was then put and agreed to.

Adjournment.

The House was then adjourned at 6-45 p.m. till 4 p.m. on Monday, the 18th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 18th December, 1944, at 4 p.m.

Present:

Mr. Deputy Speaker (Mr. SYED JALALUDDIN HASHEMY) in the Chair, 11 Hon'ble Ministers and 178 members.

Oath.

The following member made an affirmation of his allegiance to the Crown:—

Sir A. F. Rahman.

Committee of Privileges.

Mr. DEPUTY SPEAKER: The following members have been elected to the Committee of Privileges:—

(1) Mr. Mohammad Abul Fazl,
(2) Khan Bahadur Haji Badi Ahmed Choudhury,
(3) Babu Radhanath Das,
(4) Mr. M. Farhad Raza Choudhury,
(5) Mr. Jogesh Chandra Gupta,
(6) Maulvi Hafizuddin Choudhury,
(7) Mr. Syed Hasan Ali Choudhury,
(8) Maulvi Md. Mozammel Huq,
(9) Mr. Charu Chandra Roy,
(10) Babu Madhusudan Sarkar, and
(11) Mr. J. R. Walker.

Committee of Public Accounts.

Mr. DEPUPTY SPEAKER: The following members have been elected to the Committee on Public Accounts:—

(1) Mr. Abul Hossain Ahmad,
(2) Dr. Nalinaksha Sanyal,
(3) Maulvi Ahmed Ali Mridha,
(4) Babu Narendra Narayan Chakravarty,
(5) Mr. Upendra Nath Edbar,
(6) Mr. D. Gladding, C.I.E.,
(7) Mr. Nishitha Nath Kundu, and
(8) Rai Sahib Jagat Chandra Mandal.

QUESTIONS AND ANSWERS

Further supplementaries to starred question No. 157.

Dr. NALINAKSHA SANYAL: With reference to answer to starred question No. 157, will the Hon'ble Minister be pleased to state if Government had received any representation or complaint regarding the working of the emergency distribution scheme referred to in answer (a)(i)?

The Hon'ble Mr. H. S. SUHRAWARDY: There must have been several, because the trade did not like it at all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have ascertained whether apart from the trade the actual consumers received the textiles at the controlled prices as a result of the new scheme adopted?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not possible for Government to watch the sale of every piece of cloth but certainly a very large number of persons did receive cloth at controlled rates as there was general satisfaction among the consumers about that time.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have at any stage published the names of the chosen retail shops through whom selective distribution was adopted and the number of bales or pieces of clothes at different periods made available to each of them?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know, Sir, whether that has been done.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what machinery Government adopted to enable the ordinary consumers to know which shop is receiving Government's patronage and to whom public will have to look up to for supply?

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot say what was done in this connection.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are aware that there were large number of permit-holders from amongst the so-called selected retail dealers who freely sold out those permits and did not actually display for sale the goods allotted to them?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think it would be right to say that there were large number of them. I have heard one or two cases of that kind and that was largely due to the fact that the wholesalers put them to all kinds of trouble in handing over the goods to them.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what are the credentials of the gentlemen mentioned therein as forming a Tribunal above corruption or influence?

The Hon'ble Mr. H. S. SUHRAWARDY: One can see, Sir, that Mr. Jones is the Provincial Textile Controller and he is in charge of the textiles of Bengal. The other gentleman, Mr. S. C. Roy, is the Chairman of the Textile Advisory Board and he is a very knowledgeable gentleman regarding textiles and a person in whose guidance I have complete confidence. And the third is Khan Bahadur Jasimuddin Ahmed, M.L.A., whose honesty and integrity are above dispute.

Dr. NALINAKSHA SANYAL: In selecting the Tribunal did Government take the opinion of the trade either directly or indirectly through the Chambers of Commerce?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that Mr. Jones, one of the members of the Tribunal, is not taking any active responsibility or has not so far taken any active responsibility in the selection of shops?

The Hon'ble Mr. H. S. SUHRAWARDY: I think this is just one place where Dr. Sanyal has tripped up. Mr. Jones has taken active responsibility and he has actually inspected the shops recommended and has been instrumental himself in selecting 98 shops.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have come across any principle or principles laid

down either by the Provincial Textile Controller or by Government or by the so-called Tribunal to enable them to find out whether the shops selected are really *bona fide* and are of sufficient standing?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, the principles have been laid down and I think they are referred to in the answer. They are more or less on these lines: so far as Calcutta is concerned, various Chambers of Commerce and associations have been requested to suggest names and they are being selected on a zonal basis. They are not selected in one part of Calcutta alone but are scattered throughout and the older firms and more reputable firms have the first choice and a certain amount of attention to communal fairness.

Dr. NALINAKSHA SANYAL: With regard to the statement of zonal basis, will the Hon'ble Minister be pleased to state if Government are aware that the marketing of consumers' goods in Calcutta has developed not along the zonal basis so much as along the convenience of trade and concentration of trade to enable consumers better choice at a local area like the Hogg Market, like the College Street Market, like the Burra Bazar Market and so on?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is probably correct For that reason certainly the markets have received prior consideration, but here in the matter of controlled commodities when we are carrying the commodities near to the consumer, it is advisable that they should be distributed on a zonal basis.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have laid down any directions or principles to the Subdivisional Officers outside Calcutta to give them a guidance as to how they should select the local dealer or dealers in respect of areas?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the answer is given. I would direct Dr Sanyal's attention to the answer given.

Dr. NALINAKSHA SANYAL: Have you given any other direction than this?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think any other direction has been given.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in a number of subdivisions, the local Subdivisional Officers have selected persons and firms that even do not possess the necessary licences under the Cotton Yarn and Cloth Control Order?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, I am not aware of that.

Mr. I. D. JALAN: Will the Hon'ble Minister be pleased to state the number of retail textile goods dealers in Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that.

Mr. I. D. JALAN: Will the Hon'ble Minister be pleased to state if it is a fact that there are now three to four thousand dealers in Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: As I have said I am not aware of that. I do not know the exact figures, but if the honourable member gives me sufficient notice, I might be able to give him the figures. There are quite a large number of retail dealers, and over and above that a number of wholesale dealers have set themselves up as retail dealers this year for the purpose of getting the benefit of the 10 per cent. margin and depriving the regular *bona fide* retail dealers of business and the trade margin.

Mr. I. D. JALAN: Will the Hon'ble Minister be pleased to state if it is possible to select 150 dealers out of at least 2,000 dealers in order to sell only fine cloths?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not see any great drawbacks in that.

Dr. NALINAKSHA SANYAL: With reference to the admission made in answer (*c*) and (*d*) that some amount of abuse is bound to happen in selective distribution, will the Hon'ble Minister be pleased to state if Government is considering the desirability of minimising such abuses by the previous publication of the names of persons and firms who are proposed to be selected, inviting objections to their being so selected, so that the Tribunal may be in possession of facts regarding their standing and business practice to enable them to come to a proper decision?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. I do not propose doing that.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

(Unstarred Question No. 76 was then called.)

Unstarred Question No. 72.

Dr. NALINAKSHA SANYAL: Sir, unstarred question No. 72 of the 14th December ought to be taken first.

Mr. DEPUTY SPEAKER: That would not be taken up today.

Dr. NALINAKSHA SANYAL: Why? We are ready and the Hon'ble Minister is ready, and, Sir, you are passing on to something without any notice and calling the next question.

Mr. DEPUTY SPEAKER: Question No. 72 was held back, because the member did not remember having sent notice of that question. The other day I made it clear that it was disowned by the questioner himself.

Dr. NALINAKSHA SANYAL: Whether the member disowns or otherwise that is another matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, that is a very important question.

Mr. DEPUTY SPEAKER: The other day I cancelled it.

Dr. NALINAKSHA SANYAL: How can you cancel the question?

Mr. DEPUTY SPEAKER: Because the questioner did not remember it.

Dr. NALINAKSHA SANYAL: The member might have forgotten it. It was an old question.

Mr. DEPUTY SPEAKER: Mr. Mukherji saw Mr. Speaker and said that it was not his question.

Dr. NALINAKSHA SANYAL: Did he disown his signature?

Mr. DEPUTY SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: But, Sir, there are certain revealing facts which I wanted to continue.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this question has been disowned by Mr. Mukherji. I also could not believe that Mr. Dhirendra Narayan Mukherji would have sent a question like this.

Dr. NALINAKSHA SANYAL: I am surprised, Sir, that a member could disown such a revealing question, and Sir Nazimuddin would become very uncomfortable. It was revealing most glaring instances of Government's conservativeness.

Mr. DEPUTY SPEAKER: Order, order. Next.

Dr. NALINAKSHA SANYAL: All right, Sir. I have no objection to pass on to Unstarred Question 76.

Alleged discriminatory treatment in favour of British business interests by Director of Civil Supplies.

76. Dr. NALINAKSHA SANYAL: (*a*) Is the Hon'ble Minister in charge of the Civil Supplies Department aware that great discontentment prevails in the Indian commercial community for alleged discriminatory treatment in favour of British business interests by the Directorate of Civil Supplies?

(*b*) Is it a fact that some members of the Bengal Chamber of Commerce, which mainly represents British commercial interests, had been favoured with priority supplies of essential foodstuffs long before similar privileges were extended to members of the Chambers of Commerce representing Indian business interests?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table a statement showing the list of persons and organisations in Calcutta and the suburbs placed in the priority list for the supply of essential foodstuffs and the weekly or monthly supplies allotted to each of them?

(*d*) Is it a fact that Messrs. Shaw Wallace & Co. have secured the largest volume of business through the Directorate of Civil Supplies?

(*e*) Is it a fact that this firm has been appointed the sole purchasing agent for *dal* from Bihar on behalf of Bengal Directorate of Civil Supplies?

(*f*) What are the checks provided to ensure that preferential treatment may not be indulged in by the Directorate of Civil Supplies?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No.

(*b*) Yes, certain supplies of rice, *dal* and mustard oil were made to the Bengal Chamber of Commerce in August, 1942, as they were then already organised and had prepared a scheme of purchase and distribution. The Chamber of Commerce Central Organisation (Indian) was not placed on the priority list till the 2nd January, 1943, because they had not formulated any scheme of purchase and distribution earlier.

(*c*) A list of priority consumers showing the allotments of rice made to them in January, 1943, is laid on the Table.

The allotments of *dal*, sugar and mustard oil were not regularly made in 1943 but were given from time to time on the basis of a prescribed scale of *per capita* consumption, stocks permitting.

Calcutta and suburbs have been rationed with effect from the 31st January, 1944.

(*d*) Messrs. Shaw Wallace & Co. have secured a large volume of business through the Directorate of Civil Supplies in common with other, mainly Indian, business interests.

(*e*) They were temporarily appointed as sole purchasing agents in Bihar in 1943. Various Indian firms were also appointed purchasing agents for *dal* in different Provinces.

(*f*) No preferential treatment is accorded to any firm or to any community by the Directorate.

Statement referred to in reply to clause (c) of unstarred question No. 76, showing list of priority consumers so far approved with allotment of rice.

	Rice quota (monthly). Maunds.
Calcutta Corporation	6,750
Bengal and Assam Railway	5,625
Bengal-Nagpur Railway	5,625
East Indian Railway	7,875
Calcutta Electric Supply Corporation	1,500
Oriental Gas Company	375
Bengal Telephone	264
Calcutta Port Commissioners	4,875
Hospitals	1,978
Calcutta Fire Brigade	327
Central Food Department (Calcutta Police)	2,074
Police Rations Stores in industrial area	2,335
Calcutta Improvement Trust	280
Ordnance Factories (Cossipore, Ishapore, Clothing Factory and Map Office)	10,875
Posts and Telegraphs	840
Alipur Storeyard	1,687
Evacuees	300
Director of Industries	1,800
Central Committee for G.I. Departments and Supply Department	3,724
W. B. Shop	1,500
His Excellency's Menials	168
Reserve Bank	130
Bengal Government Press	320
Canteens—(*a*) Marwari Relief Society, (*b*) Calcutta Defence Committee	3,000
Bengal Chamber	2,00,000
Indian Chamber	40,000
Indian Motor Industries Association	340
A.R.P.—	
(*a*) Entitled to free rations (Calcutta)	2,960
(*b*) Entitled to free rations (Industrial Areas)	2,590
(*c*) Entitled to Fair Price Ration, Calcutta (*d*) Entitled to Fair Price Ration (Industrial Area)	9,360
Civil Defence Ind. School	48
Civil Defence Instructors' School	19
Civil Defence Public Relations Committee	12

Dr. NALINAKSHA SANYAL: With reference to answer (*b*) "yes" meaning that the Bengal Chamber of Commerce was given preferential allotments——

The Hon'ble Mr. H. S. SUHRAWARDY: How?

Dr. NALINAKSHA SANYAL: Yes, that is admitted.

The Hon'ble Mr. H. S. SUHRAWARDY: No, no; it is not admitted.

Dr. NALINAKSHA SANYAL: The question is "Is it a fact that some members of the Bengal Chamber of Commerce, which mainly represents British commercial interests, had been favoured with priority supplies

of essential foodstuffs long before similar privileges were extended to members of the Chambers of Commerce representing Indian business interests?" and the answer is "yes".

Mr. DEPUTY SPEAKER: What is your supplementary question?

Dr. NALINAKSHA SANYAL: My question with reference to this answer is: will the Hon'ble Minister be pleased to state when were the Indian business interests informed of Government's arrangements to supply them with priority supplies, if they organized themselves for receiving such supplies?

The Hon'ble Mr. H. S. SUHRAWARDY: It is very difficult to state the date. So far as I remember all the Chambers of Commerce were informed at one and the same time. The Indian Chambers of Commerce took a considerable amount of time to make arrangements. I remember this point distinctly, because I was most anxious to give supplies to the Indian Chambers of Commerce in order that they may distribute the commodities amongst their constituents, but they did not put up any scheme.

Dr. NALINAKSHA SANYAL: Does the Hon'ble Minister remember that the Indian Chambers of Commerce jointly put up a representation to Government complaining that they were not given a chance and that preferential allotments on priority basis was being given to the Bengal Chamber of Commerce, to which they received a reply that similar facilities would be given to them, if they could also organize themselves in the same manner?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not exactly remember it. So far as I remember what they were told was that they would get the supplies, if they organized themselves in a manner similar to the Bengal Chamber of Commerce, but without organizing themselves, they put forward a complaint.

Dr. NALINAKSHA SANYAL: Even after the Indian Commercial community were put on the list, will the Hon'ble Minister be pleased to state, if he is aware that the supplies given to them were very much lower in proportion to their demand than the corresponding demand of the Bengal Chamber of Commerce's constituents?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, that is far too vague a question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he has obtained the figures of weekly supplies to priority concerns which were asked for in question (c) for which a total statement is given in the table in the following page? The question specifically asked for a statement showing the list of persons and organisations in Calcutta and the suburbs placed in the priority list for the supply of essential foodstuffs and the weekly or monthly supplies allotted to each of them. Why was not any information collected and supplied? Was it too inconvenient?

The Hon'ble Mr. H. S. SUHRAWARDY: We have, I think, given one month's supply. Why was that particular month chosen, I do not know. But I would certainly deprecate putting the office to the trouble of obtaining a mass of information regarding every week and every month.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why a particular month was chosen?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, if he is aware that during certain months, the Indian Commercial Food Purchasing Organisations were supplied with very meagre supplies and at the same time correspondingly the Bengal Chamber of Commerce's constituents have been getting considerably large supplies?

The Hon'ble Mr. H. S. SUHRAWARDY: I could not follow that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, if he is aware that in the matter of allotments of wheat for milling purposes preference was given to three European firms of Calcutta and one Indian firm only and no basis was made of the milling capacity of the respective constituents to whom the wheat was supplied?

The Hon'ble Mr. H. S. SUHRAWARDY: I think the honourable member is incorrect. An account of the capacity of the various mills was taken and certain mills were given wheat for purposes of milling, i.e., those who were prepared to accept the conditions put forward by the Department. I believe wheat was supplied to 4 big mills of which 3 are European and one Indian. It happens to be so.

Dr. NALINAKSHA SANYAL: It must be so. Will the Hon'ble Minister be pleased to state, if he is aware that as a result of special favour shown to these three big European mills a large number of smaller mills and *chakiwallas* suffered terribly during the period for want of wheat for crushing?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not agree that there was any preferential treatment given to European mills. The question is a little bit involved. The principles applicable to mills were not applicable to *chakiwallas* and they had nothing to do with each other.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what commission and what reduction were allowable to the mills in the matter of milling flour and *atta* from wheat supplied to them?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know that. It is too detailed an information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be please to state, if he is aware that huge profits were put into the pockets of the mills in this connection for a similar work which could be done by *chakiwallas* at practically half or even less than the allowance given to them?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not prepared to agree to that.

Dr. NALINAKSHA SANYAL: With regard to the appointment of Messrs. Shaw Wallace & Co., as the sole purchasing agent in Bihar of *dal* for some period, will the Hon'ble Minister be pleased to state, if any tender was invited and if before appointing this firm as the sole purchasing agent on behalf of Government any attempt was made to find out whether the same work could be done by an Indian firm on the same or better terms for Government?

The Hon'ble Mr. H. S. SUHRAWARDY: So far as I remember this firm was appointed as the sole purchasing agent long before we came into office.

Dr. NALINAKSHA SANYAL: That does not matter.

The Hon'ble Mr. H. S. SUHRAWARDY: I did not make enquiries as to how and when they came to be appointed.

Appointment of Special Officers for Dacca City Relief Committee.

77. Mr. ATUL CHANDRA SEN: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether the Government have recently appointed two retired Superintendents of Police as Special Officers to supervise the work of the Dacca City Relief Committee?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Committee—

(*i*) asked for the loan of two officers; and

(*ii*) approved the personnel of the appointments that have been made?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes, at the request of the President of the Dacca Relief Committee to relieve him of the work of a routine nature.

(*b*) (*i*) No.

(*ii*) The Committee did not formally approve the personnel of the appointment.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), will the Ho'n'ble Minister be pleased to state whether these two retired Superintendents of Police are still functioning as officers of the organisation of the City Relief Committee in question?

The Hon'ble Mr. H. S. SUHRAWARDY: These gentlemen, I do not think, are Superintendents of Police. Now, they are honourable retired gentlemen whose services are being utilised.

Mr. ATUL CHANDRA SEN: My question is whether they are still working as officers of the Committee in question.

The Hon'ble Mr. H. S. SUHRAWARDY: I believe, they are.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what work are they doing now?

The Hon'ble Mr. H. S. SUHRAWARDY: They are at present engaged in distributing supplies in Dacca.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state, if they are responsible for maintaining the accounts?

The Hon'ble Mr. H. S. SUHRAWARDY: How do I know that? How can I know that?

Rice position in Pabna.

78. Maulvi AZHAR ALI: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether the district of Pabna is a deficit district in respect of production of paddy?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons why it was declared a surplus district during the last August and September;

(*ii*) the data upon which it was so done;

(*iii*) whether it was subsequently rectified;

(*iv*) who is responsible for the report that the district is a surplus one; and

(*v*) that there was no supply of foodgrains for a considerable period in the rural areas in five or six thanas of the district?

(*c*) If the answer to (*b*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*)(*i*), (*ii*) and (*iv*) On the statistical evidence then available, it appeared that the Pabna district was likely to have some surplus with the harvesting of the *aus* crop and it was accordingly decided to make purchases there; but such purchases were small and intended for use in the deficit areas of the same district. Pabna was never declared a surplus district as such.

(*iii*) Yes; under the *aman* procurement scheme Pabna has been classed as a deficit district.

(*v*) and (*c*) Precise reasons for the alleged failure of supply cannot be given unless the localities concerned and the periods of failure are specified so that the matter can be investigated locally.

Alleged scarcity of rice in certain places of Hooghly.

79. Mr. SUKUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(*i*) that rice fit for human consumption was not available in the shops of Hooghly-Chinsura and neighbouring localities during the third and fourth weeks of January, 1944; and

(*ii*) that the local dealers at that time refused to purchase rice from the Military Authorities in Hooghly-Chinsura as the stuff was unfit for human consumption?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the District Authorities took to supply good quality of rice to the people of Hooghly district?

(*c*) Is it a fact that the rice mill owners of Hooghly district made representations to the Assistant Director of Civil Supplies, Hooghly, and to the Deputy Director of Civil Supplies for Hooghly district in the middle of January, 1944, about their inability to mill and sell rice at Rs.13-6 per maund as offered by the agent of Messrs. Shaw Wallace & Co., the Chief Agents of the area, as they had had to purchase paddy at Rs.8-8 to Rs.9 per maund?

(*d*) If so, will the Hon'ble Minister be pleased to state what steps were taken by the authorities to redress the grievances of the rice mill owners of Hooghly district?

(*e*) Will the Hon'ble Minister be pleased to state the reason for scarcity of good rice in the Hooghly district at the controlled price in January, 1944?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*)(*i*) The facts alluded to in the question are not correct.

(*ii*) The dealers did refuse to take delivery from a particular stock of rice which was then due for issue in accordance with the order of receipts. It was not unfit for human consumption.

(*b*) Does not arise.

(*c*) Only one representation was received.

(*d*) As the mill owners had the means of redress ready to hand in the shape of a reference to the Purchasing Board, Government took no steps.

(*e*) There was no considerable scarcity. There was, however, a slight delay in importing good *aman* rice because of political and commercial opposition to the *aman* procurement and distribution scheme.

Scarcity of sugar and sugar candy in Hooghly district.

80. Mr. SUKUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact that sugar and sugar candy are not available in the shops of Hooghly district for about a month?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the stocks of sugar at on—

(1) 1st December, 1943, and

(2) 1st January, 1944,

under the District authorities in the Hooghly district; and

(*ii*) the place where such stocks were kept?

(*c*) Is it a fact that there had been a shortage of sugar in the Hooghly district during December, 1943, and January, 1944?

(*d*) If so, will the Hon'ble Minister be pleased to state the reason for such shortage?

(*e*) Is the Hon'ble Minister aware that date *gur* was selling in the market in Hooghly district at prices 10 to 15 annas per seer during 1943 and January, 1944?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, were taken to control the high prices of *gur* in Hooghly district?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*)(*i*)(1) 2,769 bags and (2) 991 bags.

(*ii*) With wholesale dealers who rendered fortnightly accounts.

(*c*) Yes.

(*d*) The reason for the shortage was that for want of wagons the sugar mill linked to the Hooghly district could not send the December and January quotas till the 12th of February, 1944.

(*e*) No. In December, 1943, the price of date *gur* was Rs.15 per maund. The price in February was Rs 22 per maund.

(*f*) Does not arise.

Scarcity of coal and salt in some places of Hooghly.

81. Mr. SUKUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(*i*) that soft coke was not available in Hooghly-Chinsura and neighbouring localities for the greater part of December, 1943, and January, 1944; and

(*ii*) that salt was scarce in Chinsura and neighbouring localities in the middle of January, 1944?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps were taken by the local authorities to maintain adequate supply of coal and salt in these areas?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) It is not a fact that soft coke was not available. The supply, however, was inadequate for want of wagons.

(*ii*) No.

(*b*) Does not arise.

Rationing scheme in suburbs of Calcutta.

82. Khan Bahadur JASIMUDDIN AHMED: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether he is considering the desirability of including rural areas by the suburbs of Calcutta, viz., Unions of Metiabruz, Mahestala and Tollygunge thanas, in the rationing scheme of Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: At present there is no proposal to include the rural areas by the suburbs of Calcutta, viz., Unions of Metiabruz, Mohestala and Tollygunge thanas, in the rationing scheme.

Supply of ration to employees of Pirojpore Civil Court.

83. SJ. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(*i*) that Civil Court employees at Pirojpur, district Bakarganj, were not supplied with ration for October, 1943;

(*ii*) that the Criminal Court employees were supplied with ration for that period;

(*iii*) that the Civil Court employees sent telegrams to the District Magistrate for taking immediate steps as the *Puja* and the *Id* ceremonies of the employees belonging to the respective communities were drawing near; and

(*iv*) that no reply was given to the telegram?

(*b*) If the answer to (*a*)(*i*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reason for this differential treatment; and

(*ii*) the steps taken to prevent recurrence of such things in future?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) No. The Civil Court staff is supplied on the first day of each month. As the 1st October was a holiday no supply could be made to them nor could the rations for October be distributed before the holidays on account of the stocks being inadequate.

(*ii*) Yes. As the Criminal Court employees get their ration on the 25th of each month, they were supplied with ration on 25th September, 1943.

(*iii*) Yes. The telegrams which were received by the District Magistrate in this connection were forwarded by him to the Subdivisional Officer, Pirojpur, for necessary action.

(*iv*) The Subdivisional Officer, Pirojpur, sent a reply to the Subdivisional Munsiff.

(*b*) (*i*) Does not arise, as no differential treatment was made.

(*ii*) The local officers are being asked to see that timely action is taken to prevent the stock from running too low.

SJ. NARENDRA NATH DAS GUPTA: With reference to answer (*a*)(*iv*), will the Hon'ble Minister be pleased to enlighten the House, what reply did the Subdivisional Officer of Pirojpur, send to the Subdivisional Munsif there?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know what the reply was.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state why, though the Civil Court staff of Pirojpur, timely sent telegrams for distribution of ration to them for the *Puja* and the *Id* ceremonies, no arrangement was made for supplying them with ration?

The Hon'ble Mr. H. S. SUHRAWARDY: This was an unfortunate incident which took place at that particular moment. I do not think it has been repeated. The matter is closed and dead.

Faridpur Central Co-operative Bank as a Government stockist.

84. Mr. GIASUDDIN AHMED: (*a*) Is the Hon'ble Minister in charge of the Civil Supplies Department aware that Faridpur Central Co-operative Bank was the stockist for Government rice till recently?

(*b*) If so, will the Hon'ble Minister be pleased to state the reason why the Central Co-operative Bank was replaced by Messrs. Ispahani & Co., as stockists for Government rice?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes, the Bank was one of the many stockists in the district for Government rice imported before the Aman Procurement Scheme came into operation.

(*b*) The Bank was never selected as a purchasing Agent for Government Scheme. Therefore, the question of its replacement by Messrs. Ispahani & Co. does not arise. The Bank still continues as a Government stockist for several commodities, viz., wheat, *atta*, flour, millets, *dal*, barley, salt and sugar.

STARRED QUESTIONS

(to which oral answers were given)

Construction of dining shed for division III prisoners in Comilla Jail.

***158. Mr. HARENDRA KUMAR SUR:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the fact—

(*i*) that there is no dining shed for division III prisoners in the Comilla Jail;

(*ii*) that absence of a dining shed causes inconvenience to such prisoners during rains and in the sun;

(*iii*) that the attention of the Government was previously drawn to this matter in this House; and

(*iv*) that Government assured that necessary action would be taken in the matter?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of constructing a dining shed in the Comilla Jail and in other jails where there is no dining shed?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The Comilla Jail has been closed.

(*b*) A number of schemes for the provision of dining sheds in certain jails have been under examination. So far it has been impossible to implement them owing to lack of funds and scarcity of building materials.

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment.*)

Detention under rule 26 of Defence of India Rules.

***159. Mr. PRATUL CHANDRA GANGULI:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that rule 26 of the Defence of India Rules, under which more than a thousand security prisoners have still been detained has been declared to be invalid by the Federal Court of India;

(*ii*) that the subsequent validating Ordinance passed by His Excellency the Governor-General of India has been declared to be *ultra vires* by the Special Bench of the Calcutta High Court?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he intends to take about the release of the security prisoners who have still been detained under rule 26 of the Defence of India Rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) The honourable member is referred to my replies to starred question No. 19, asked by Mr. Nishitha Nath Kundu on the 22nd November, 1944.

Medical treatment of Mr. Santi Singh Roy, a security prisoner.

***160. Mr. KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Mr. Santi Singh Roy, a security prisoner, has been suffering from appendicitis, ear, nose and throat troubles for a long time past;

(*ii*) that in February last, while the security prisoner was in Buxa Special Reserve Jail the Civil Surgeon, Jalpaiguri district, medically examined him and recommended for his immediate transfer for medical treatment, X'ray examination and surgical operation, if necessary;

(*iii*) that in March last, an order was issued for his transfer but before he was transferred that transfer order was cancelled;

(*iv*) that several reminders were sent by the Superintendent of the Buxa Special Jail but no further order for his transfer was received till the 16th July, last;

(*v*) that the Superintendent, in order to save his life sent him on that date to the Jalpaiguri General Hospital for X'ray examination, operation and medical treatment; and

(*vi*) that on the 5th August last, he was transferred from the Hospital to the Jalpaiguri Jail without any X'ray examination or operation?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for not giving him proper medical treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) On the 18th February, 1943, the Superintendent of the Buxa Special Reserve Jail telegraphed to Inspector-General of Prisons that security prisoner Santi Singh Roy had been suffering from suspected chronic appendicitis and that his immediate transfer to Calcutta was advisable as major operation was not possible at Buxa. On receipt of this telegram the Inspector-General of Prisons sanctioned the transfer of the prisoner to Alipore Central Jail on the 23rd February, 1943. The prisoner was thoroughly examined by the Civil Surgeon, Jalpaiguri, on the 24th February, 1943, who found nothing serious and approved the course of treatment thus far followed in the case and also prescribed some additional medicines. He also advised the prisoner's removal to the Jalpaiguri District Jail for X'ray examination as he suspected that the symptoms of the case were suggestive of appendicitis. On receipt of Inspector-General's order sanctioning transfer of the prisoner to Calcutta, the Jail Superintendent therefore, reported that the prisoner's condition had considerably improved and that his removal to Calcutta was no longer considered necessary. In the circumstances the transfer order referred to above was cancelled by Government on the 27th February, 1943. The prisoner was later on sent to the Jalpaiguri Sadar Hospital for X'ray examination but had to be sent back to jail for want of proper accommodation. He was finally removed to the Calcutta Medical College Hospitals in November, 1943, and after a successful operation for appendicitis there he was sent back to the Buxa Special Reserve Jail.

(*b*) Does not arise.

Dr. NALINAKSHA SANYAL: With reference to the prolonged suffering of the security prisoner from 23rd February to November, 1943, will the Hon'ble Minister be pleased to state if Government had any periodical reports about the condition of the patient with regard to the suspected case of appendicitis complained of?

The Hon'ble Khwaja Sir NAZIMUDDIN: I should first of all draw the attention of the honourable member to the fact that this cancellation took

place previous to our taking over charge and secondly it was during our regime that he was brought back and operated upon. Surely we have no information about the periodical reports.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if within the short period between the 23rd of February, 1943, when the Inspector-General of Prisons sanctioned the transfer of the prisoner to Alipore Central Jail and the 27th of February, 1943, when the order of transfer was cancelled, any competent medical opinion was taken?

The Hon'ble Khwaja Sir NAZIMUDDIN: Oh, yes; the answer is in the affirmative.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the subsequent requirement of operation on this patient as late as November, 1943, was as a result of similar medical examination?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, it is very difficult to say that. Evidently, the medicine prescribed for him did not have as much result as was expected and later on therefore it was found necessary to operate upon him.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who was the competent medical officer who advised retransfer or cancellation of the transfer order and the order for sending him back to Buxa?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the member to answer (*a*).

Dr. NALINAKSHA SANYAL: I want to know who was the officer by name?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Civil Surgeon, Jalpaiguri.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the circumstances under which and the reasons for which the prisoner could not be sent to Calcutta Medical College when it was discovered that there was inadequacy of accommodation in the Jalpaiguri Sadar Hospital and he was sent back to the jail as referred to in the answer? I mean to say why was he sent back to Buxa and not sent to the Calcutta Medical College?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Enquiry into allegations against Circle Officer, Satkhira.

*161. **Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether an enquiry was held in April, 1943, by Mr. Martin, the then Commissioner, in respect of the allegations made against the Circle Officer, Satkhira, regarding distribution of potato seeds and quinine;

(*ii*) if so, what action has been taken by Government in the matter; and

(*iii*) if not, why not?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether it is a fact that fresh allegations of corruptions by the said Circle Officer have been made to the District Magistrate by the local public;

(*ii*) if so, what action has been taken in the matter;

(*iii*) whether any enquiry into the matter has been made;

(*iv*) whether it is a fact that he was ordered to be transferred to Patuakhali;

(*v*) whether that order was subsequently cancelled; and

(*vi*) if so, the reason of cancellation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Not in 1943 but in 1944.

(*ii*) As Mr. Martin found the officer not guilty, no action was taken.

(*iii*) *Vide* (*ii*).

(*b*) (*i*) to (*iii*) The only such allegation received by the District Magistrate appears to be in a statement handed to him on the 24th October, 1944, by Mr. Hashemy. On the face of it, the statement proceeds from rumour. Mr. Hashemy stated verbally to the District Magistrate that he was content to leave this matter in his hands.

(*iv*) and (*v*) Yes.

(*vi*) The Circle Officer applied for transfer from Satkhira but later on withdrew his application.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that one of the allegations against the Circle Officer was that he charged or allowed higher prices to be charged on controlled sugar and kerosene to enable a part of the extra collections to be set apart for public utility work at Satkhira?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware it was not so but I have not got the report here and so I cannot give a definite answer.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House what was the report of Mr. Martin about handling of quinine by this Circle Officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Burglaries within Ballygunge police-station.

*162. **Mr. JOGESH CHANDRA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that burglaries are recently occurring very frequently in Dover Lane and in the neighbouring area under Ballygunge police-station;

(*ii*) that ornaments have been snatched away from the body of respectable ladies by burglars and life and property are in danger in that area;

(*iii*) that a daring burglary was committed at the residence of Mr. D. K. Basu, Barrister-at-Law, of 16/2E, Dover Lane, and ornaments worth about Rs.14,000 or more were stolen.

(*iv*) that no proper investigation has as yet been made regarding this burglary;

(*v*) that Mr. Basu wrote to the Commissioner of Police on the 19th October, 1944, requesting him for investigation in the matter and no reply was received; and

(*vi*) that a reminder was sent on the 2nd November, 1944, but no reply has been even up to now received?

(*b*) Will the Hon'ble Minister be pleased to state what steps, if any, have been taken to trace the burglar and the stolen property?

(*c*) Is it a fact that the local people offered to organise vigilance corps in co-operation with the police and the Civic Guard and the same was rejected?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) In the neighbourhood of Dover Lane 15 cases of burglary occurred during the quarter, September-November, this year as against 10 during the preceding quarter.

(*ii*) Only one such case has been reported. It will not be correct to say that life and property are in danger in the area.

(*iii*) Yes; but the property stolen was worth Rs.2,800 only and not Rs.14,000.

(*iv*) and (*v*) No.

(*v*) A letter was written but no reply was necessary as an investigation had already been taken up.

(*vi*) A reminder was received on the 14th November, 1944, and replied to immediately.

(*b*) The Detective Department Inspector supervised the investigation and Foot and Finger Print experts were called in. Special patrols were also put out. A suspect was arrested and his house was searched.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state in how many of these 25 cases reported during six months in the neighbourhood of Dover Lane investigation has resulted in detection of the culprits?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that a representation was made by the residents of the Ballygunge area, the Hindusthan Sangha, to the local police officials and to Government that one potent reason for the large number of burglaries is the inadequacy of the number of police constables attached to the Ballygunge thana commensurate with the increased population of the area?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know about that but it appears from the reply that special patrols were put out there as a result of this complaint.

Mr. JOGESH CHANDRA GUPTA: With regard to answer (*ii*)—only one such case has been reported—about snatching away ornaments of ladies, what investigation has been made in that case and with what result?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. JOGESH CHANDRA GUPTA: With regard to answer (*iii*)—the property stolen was worth Rs. 2,800 only and not Rs. 14,000—Rs. 14,000 was the valuation of the owner who lost it. Who valued it at Rs. 2,800—the thief or the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think after investigation it was found that the lost property was worth Rs. 2,800.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that among the houses burgled is the house of the Hon'ble Mr. Barada Prosanna Pain, Minister of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know that.

Appointment of Scheduled Caste candidates to posts of Agricultural Income-Tax Officers.

*163. **Rai Sahib MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) whether it is a fact that fifteen appointments have recently been made by the Department for the posts of Agricultural Income-tax Officer of Grades I and II;

(*ii*) if so, the number of them that are—

(1) Muslims,

(2) Caste Hindus, and
(3) Scheduled Castes?

(*b*) (*i*) Will the Hon'ble Minister be pleased to state whether it is a fact that none has been taken from the Scheduled Castes for the Grade No. I.

(*ii*) If so, why not; and

(*iii*) What are the requisite qualifications for the appointment of Grade No. I?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): (*a*) (*i*) Yes.

(*ii*) (1) 4 in Grade I and 4 in Grade II.

(2) 3 in Grade I and 2 in Grade II.

(3) 2 in Grade II.

(*b*) (*i*) Yes.

(*ii*) The Public Service Commission could not find any applicant of Scheduled Castes fit and suitable for appointment to Grade I.

(*iii*) Candidates for the posts of Agricultural Income-tax Officer, Grade I, should possess experience in Settlement, Khas Mahal or Court of Wards work or a knowledge of Zamindary management and accounts. In the case of a candidate who is a Registered Accountant or has served for not less than two years in the Indian Income-tax Department or the Bengal Commercial Tax Department, previous experience of revenue work or knowledge of Zamindary management will not be insisted on.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*)(*ii*) will the Hon'ble Minister be pleased to state the order of recommendation of the Public Service Commission for the appointments to Grade I officers?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, all the appointments were made on the recommendation of the Public Service Commission.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to let us have the names of the persons recommended for appointment by the Public Service Commission and the names of the persons whom the Government ultimately appointed?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Government appointed all the officers in consultation and in accordance with the advice of the Public Service Commission

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that one Mr. Rakhahari Chatterji was one of the persons recommended by the Public Service Commission who was not subsequently appointed?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I state from recollection that the name of Mr. Rakhahari Chatterji was recommended in the first instance by the Public Service Commission. Certain other facts were found out about him and the list was referred back to the Public Service Commission who afterwards cancelled the selection.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state since when Government have been adopting the practice of referring back to the Public Service Commission for revision in the light of Government's own recommendation?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Certain obvious informations were found in reconsideration of certain cases and they were brought to the notice of the Public Service Commission.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that this Mr. Rakhahari Chatterji is still in the service of Government and is there anything which disables him or makes him incapable of holding a Government appointment?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: He was found unsuitable for this particular appointment.

Dr. NALINAKSHA SANYAL: Who found him to be unsuitable for this particular appointment?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The appointing authorities pointed out certain things to the Public Service Commission which they had overlooked not only in his case but also in one or two other cases

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if it is a fact that at the time of selection by the Public Service Commission the department concerned is consulted and a representative is sometimes present?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: At the time of selection the department is not at all consulted. An officer of the department may have to be present but not as a matter of right and he is not consulted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the present case of the selection of Agricultural Income-tax Officers, Grade I, at the time of the first selection of the Public Service Commission whether or not a representative of the Finance Department was associated with the Public Service Commission to advise them regarding the eligibility or otherwise of candidates?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: That is not correct.

Dr. NALINAKSHA SANYAL: I have asked a question. Whether it was correct or not is not the answer. My question is whether any officer of the Finance Department was associated with or present to advise the Public Service Commission in connection with the selection of Agricultural Income-tax Officers

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: An officer of the Finance Department was present at some of the meetings of the Public Service Commission but was not there for the purpose of advising the Public Service Commission.

Dr. NALINAKSHA SANYAL: What was the reason for which the officer of the Finance Department was present at some of the meetings where the selection was considered?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think it is customary for the officer of the department to be present.

Rai Sahib MONMOHAN DAS: Will the Hon'ble Minister be pleased to state how many Scheduled Caste candidates applied for the posts of Income-tax Officers?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I ask for notice, because I have not got the number.

Rai Sahib MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that there were a number of candidates who possessed requisite qualifications as stated in the answer?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As far as I remember, the manner in which the Public Service Commission recommended was as follows: "no other candidates except the following are fit for appointment in grades I or II as the case may be".

Rai Sahib MONMOHAN DAS: Is it a fact that one Monmohan Sarkar was a candidate who possessed experience of zemindary management, of Khas Mahal Settlement and everything?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I cannot say that. First of all, the names of all the candidates do not come to us. The Public Service Commission advertise the posts, and applications are made to them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which particular fact relating to Mr. Rakhahari Chatterji was subsequently discovered to disqualify him for holding this appointment and which was originally overlooked?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Rakhahari Chatterji is a Government servant and he has a service book on record.

"Sunset Notice" on khas mahal tenants of Contai subdivision.

Mr. DEPUTY SPEAKER: I have allowed a question which will be treated as a short-notice question by Dr. Gobinda Chandra Bhowmik and answered by the Hon'ble Mr. Tarak Nath Mukerjea. It is starred question No. 163A.

***163A (Short-notice) Dr. GOBINDA CHANDRA BHOWMIK:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(1) whether a notice "Sunset Notice" has been served on Babu Sarat Chandra Das of Mahammadpur village, police-station Sutahata, Midnapore, on 15th December, 1944, for realisation of rent of jote No. 94 and of jote No. 40 by the Manager of Sutahata Khas Mahal Officer for payment of rent by 30th December, 1944;

(2) whether any notice "Sunset Notice" has been served on the tenant of *khas mahal* of Contai in the jurisdiction of Contai subdivision by the *khas mahal* authority;

(3) whether any telegram has been received by the Revenue Minister from the President of local Janamangal Samiti of Contai;

(4) whether the people of *khas mahal* of Contai are panic-stricken for the issue of such notices to the jotedars; and

(5) whether the Hon'ble Minister proposes to enquire into the matter as early as possible?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): Sir, these are matters of detail and I may assure the House that steps were taken not under the instructions of Government but by local officers in discharging their normal duties. I shall certainly enquire into the matter and see that no undue hardship is caused to any people of the *khas mahal* areas and they are not forced to pay Government dues beyond their ability. I shall take immediate steps and enquire into the matter, and if any undue hardship is being caused to the people Government will certainly take necessary steps.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that in the *khas mahal* areas of Contai and Tamluk crops were destroyed by the tidal bore and cyclone in 1942 and crops were destroyed by the Kalighai and Subarnarekha floods in 1943?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, Sir. The loss was much more serious in 1942 than in 1943. No doubt the loss due to floods was also severe.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he has received petitions from Nagendra Nath Das, President, Janamangal Samiti, Contai, Satish Chandra Jaha, Secretary, Contai Subdivisional Relief Committee, Satish Chandra Dinda, Secretary, Contai

Subdivisional Hindu Mahasabha, and Raghunath Maiti, Secretary, Sevasangha, Contai, inviting his attention to the urgency of issuing a general instruction to the Khasmahal Revenue Officers to suspend realisation of rent or revenue and the amounts to be realised for agricultural loans in view of the continuance of distress in those areas even now?

The Hon'ble Mr. TARAK NATH MUKERJEA: Some applications have been received only today, and they are being examined. I do not exactly remember the names of the applicants. I have already said that I shall enquire into the matter and on receipt of a report necessary steps will be taken.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister consider the desirability of issuing instructions at once to put a stop to the realisation of rent on the holdings of agriculturists by suspending the Sunset law?

The Hon'ble Mr. TARAK NATH MUKERJEA: I think honourable members will realise that it is extremely difficult for Government to give any definite assurance without an actual enquiry as to how the matter now stands. As I have said, I shall enquire into the matter and as soon as the report is received Government will take necessary steps.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that without immediately holding up all proceedings in connection with the Sunset law matters may go so much out of hands that there could be hardly any redress in a later stage?

The Hon'ble Mr. TARAK NATH MUKERJEA: I do not know exactly as yet whether any step has been taken unduly of the Sunset law. I shall enquire into it, but without any report it is difficult for Government to do anything.

Mr. SASANKA SEKHAR SANYAL: The Hon'ble Minister has said that it was an ordinary normal step which was taken by Government——

The Hon'ble Mr. TARAK NATH MUKERJEA: I have never said that.

Mr. SASANKA SEKHAR SANYAL: In view of his previous statement, may I enquire of him when was this Sunset law system resorted to by Government previous to its application in Midnapore?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am not aware whether any step to that effect has been taken at all or not. In the absence of any definite case, it is impossible for me to answer the question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why is it that the petition sent to him on the 8th December, 1944, a copy of which was received by me on the 10th could not be received by him till today as mentioned by him?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is not for me to say that. The fact remains that I received it only this morning.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the application was held up in the Revenue Department over which he presides?

The Hon'ble Mr. TARAK NATH MUKERJEA: No; the letter was addressed to me and it was not received till Saturday last.

Deaths due to starvation amongst aboriginals of Tangail subdivision.

***164. Mr. AMRITA LAL MONDAL:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the number of deaths due to starvation amongst the aboriginals of the hill areas in—

(1) Madhupur,
(2) Kalihati,

(3) Ghatail, and
(4) Basail

thanas, respectively, during 1943-44 in Tangail subdivision?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): There is no such head as "starvation" in the statutorily prescribed causes of death in the Register of Deaths and no record of death due to this cause or amongst aboriginals is separately maintained.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether Government is going to open a head like this?

Khan Sahib HAMIDUDDIN AHMAD: It is under consideration of Government.

Mr. CHARU CHANDRA ROY: Do not Government admit that deaths by diseases as the outcome of starvation are the result of starvation?

Khan Sahib HAMIDUDDIN AHMAD: Not necessarily.

Mr. CHARU CHANDRA ROY: My question has not been answered. My point is death by disease as the outcome of starvation is due to starvation. Do Government admit that?

Khan Sahib HAMIDUDDIN AHMAD: No.

Mr. DEPUTY SPEAKER: Question time is over.

Point of Privilege.

Dr. NALINAKSHA SANYAL: May I rise on a question of privilege, Sir? A very startling news appeared in the "Amrita Bazar Patrika" this day that the Government of Bengal was contemplating to export a large quantity of rice from this province? Before putting in an adjournment motion on such an important matter which would create a panic in the whole province, I would like to ask whether the Hon'ble Home Minister is in a position to make a statement on this question?

Mr. DEPUTY SPEAKER: I do not know whether the Government is prepared to make any statement.

Dr. NALINAKSHA SANYAL: It is a very important matter affecting the well-being of the whole province.

Mr. DEPUTY SPEAKER: I am taken by surprise. Dr. Sanyal, you ought to have given me notice that you are going to make such an important statement in the House.

GOVERNMENT BILL.

The Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944.

The question that clause 2 stand part of the Bill was then put and a division taken with the following result:—

AYES—85.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Motaleb Malik, Dr.
Abdul Wahab Khan, Khan Bahadur.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdus Shaheed, Maulvi Md.
Abul Fazl, Mr. Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.

Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Premhari.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D., C.I.E.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gyasuddin Ahmed Choudhury, Alhadj.
Hanzuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Khan Sahib Maulvi Md.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
McIntosh, Mr. G., C.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafa Ali Dewan, Maulvi.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Pain, the Hon'ble Mr. Barada Prasanna.
Raikut, Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Sahruddin Ahmed, Haji.
Salim, Mr. S. A.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra.
Sirdar, Babu Litta Munda.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Zaman, Mr. A. M. A.
Zilluir Rahman Shah Choudhury, Maulvi.

NOES—54.

Abdul Hafiz, Mr. Mia.
Abdul Majid, Maulvi (Mymensingh).
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Barma, Mr. Puspajit.
Barman, Mr. Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr Monmohan.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Jalan, Mr. I. D.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Mafizuddin Ahmed, Dr. (Bogra).
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukherji, Dr. Sharat Chandra.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Mr. Dhirendra Nath.
Sen-Gupta, Mrs. Nellie.
Singha, Maharaja Bhupendra Chandra, of Susang.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Tohil Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.

The Ayes being 85 and the Noes 54, the motion was carried.

Clause 3.

Mr. SASANKA SEKHAR SANYAL: Sir, I do not move my amendment but I speak upon the clause itself.

Sir, this clause related to the increase of the daily allowance, which members of the mofussil get while the Assembly is in session, from Rs. 10 to Rs. 15. Now, Sir, whatever little justification, if any, such increase has, the fact that the monthly salary is being increased takes away the justification of increasing the daily allowance, because the increase by 50 rupees per month works out at nearly Rs. 2 per day and that is available for each day of the year; and having agreed to take extra remuneration for each day of the year I maintain, Sir, that the members have no case—there is no strong case—for urging that the daily allowance, while the Assembly is in session, should be increased.

Sir, this session is remarkable for two very important pieces of business which have been transacted. By one proposal of the Government members are going to be gagged and by another proposal members are going to be demoralised. I would appeal to honourable members opposite that if we begin to think of ourselves there is no end of that, but let us think less of ourselves so that we can think of our constituency.

With these few words, Sir, I oppose the clause.

The question that clause 3 stand part of the Bill was then put and a division taken with the following result:—

AYES—90.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Motaleb Malik, Dr.
Abdul Wahab Khan, Khan Bahadur.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abul Fazl, Mr. Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Premhari.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chipperfield, Mr. J. W.
Clark, Mr. I. A.
Corstorphine, Mr. E. E.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Fazlur Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Ferguson, Mr. F. F. M.
Gladding, Mr. D., C.I.E.
Gomes, Mr. R. A.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Leisk, Mr. John.
McIntosh, Mr. G., C.B.E.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafa Ali Dewan, Maulvi.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Pain, the Hon'ble Mr. Barada Prosanna.
Raikut, Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khawaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.

Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. W. A. M., C.B.E.
Zaman, Mr. A. M. A.
Zillur Rahman Shah Choudhury, Maulvi.

NOES—49.

Abdul Mazid, Maulvi (Mymensingh).
Abdul Wahed, Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoza, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Hashem Ali Khan, Khan Bahadur Maulvi.
Jalan, Mr. I. D.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Mafizuddin Ahmed, Dr. (Bogra).
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Mr. Dhirendra Nath.
Sen-Gupta, Mrs. Nellie.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.

The Ayes being 90 and the Noes 49, the motion was carried.

Preamble.

The question that Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bill as settled in the Assembly be passed.

Sir, there have been very severe criticisms by some members as regards the justification of this measure. Sir, I find that Mr. Sasanka Sekhar Sanyal has been most conspicuous as far as the Opposition is concerned and what is more, as far as I remember, in the speech he mentioned the case of security prisoners and the distress which their families are suffering. I know that the amount will be very small but at least a little sacrifice on his part will be able to relieve at least two or three families from the distress which they are suffering. If he would only consent to give up the increased emoluments which we have passed today and the daily allowance which he would be drawing and pay this for the relief of the members of the security prisoners, I am sure, all members of the House will appreciate it very much. Sir, Government have been doing their utmost to give relief to the families of the distressed security prisoners and what is more, in every case of real hardship that is brought to my notice, I intervene and the officer who is dealing with these files himself is extremely sympathetic. He knows our policy and I can assure this House that, as far as possible, in cases of real hardship we do stress our point and try to help them. But I still hope that Mr. Sanyal will really make an effort and show that he really believes in all that he said by contributing his enhanced emoluments to the relief of the family of the security prisoners.

Mr. SASANKA SEKHAR SANYAL: Sir, I rise on a point of personal reply. I can say on behalf of myself and those who are on this side that our duties to our political friends and prisoners do not depend on the gratuitous advice of the unsympathetic Minister.

Mr. ATUL CHANDRA SEN: Mr. Deputy Speaker, Sir, I rise to oppose the Bill that is under consideration. The Bill proposes an enhancement of

emoluments of the members of this House. I oppose this enhancement. Sir, I heard and also saw the melo-dramatic performance made by Hon'ble Sir Nazimuddin while proposing the Bill. While he was speaking I made some inconvenient interjections and Sir Nazimuddin could anticipate the kind of stiff opposition which we would put up against the Bill. He got upset and hurled some epithets against us. He called us insincere; he called us even small-minded and, if I remember aright, he called us hypocrites. It is a phenomenon Sir Nazimuddin calling others hypocrites, insincere and small-minded. Where is the sincerity in the statement which the Hon'ble Sir Nazimuddin made the other day and even today? He took considerable pains to make us believe that it was a sense of justice, fairness and consideration for the members of this House, who have been put to hardship as to how to get on in these days of soaring prices that has actuated him to sponsor this piece of legislation. But is the statement really sincere? Where was this soft corner in the heart of Sir Nazimuddin, in considering the cases of the security prisoners who have been languishing behind prison bars and who sent petitions after petitions making piteous appeals to him to grant adequate allowance for their families? Where was this tenderness in his heart while millions were dying in this land for want of a morsel of food? Why could not Sir Nazimuddin then say, keep aside power politics for the present and let us put our shoulders together to save the starving millions? Where was this soft corner in Sir Nazimuddin's heart when members of this House detained behind prison bars appealed to him for facilities to be present in this House to discharge their duties by their constituencies and their country? Where was this soft corner in his heart while security prisoners ailing behind prison bars, some of them hovering between life and death, were wanting to receive proper medical treatment but were denied the same because as the Government said, the scheduled rate of expenditure allowed to them did not permit it? Where was this soft corner in his heart when for example Sj. Kedareswar Sen Gupta, his neighbour at Dacca, a security prisoner kept in Dum Dum Jail and an intestinal tuberculosis patient for the last 15 years hovering between life and death, was sent to the Medical College Hospital where he was examined and certain medicines were prescribed but not administered because as the Government said, the scheduled rate of expenditure did not permit it? Why then talk of sincerity and large-heartedness and all that? It is all bunkum.

Sir, the real object of the Bill is quite other than what Sir Nazimuddin wants us to believe. He who runs may read that the real object, the only object of this Bill is to purchase support for Sir Nazimuddin to maintain himself in power. To purchase support is the word for the policy he is pursuing. It is known to the House that Sir Nazimuddin has purchased support in the Government House. He purchased support of his late lamented Chief Sir John Herbert by questionable methods. He has purchased the support of his masters in the Secretariat by surrendering the Government of the province to them. He is now trying to purchase the support of this House. His purchase policy in this House operates in more ways than one. It is an open secret known within the walls of this House and outside that money has been lavishly spent for purchasing support in this House, that large contracts have been given to members of his party and to some others a share in the Civil Supplies loot. And then, titles have been conferred on some; nominations in local bodies have been given to others, and a fortunate few have been made Chairmen of Local Bodies in supersession of the claims of the eligible ones. Again in two cases at least members were sought to be placated by withdrawing criminal prosecutions pending against them. (Cries of "shame, shame" from the Opposition benches.) Last but not the least is the case of a very prominent Muslim who has recently been coerced into submission by the application of what may well be called "politico financial blackmail" recently practised in Dacca under the very distinguished patronage of our new constitutional Governor from Australia when the latter was at Dacca. Having done all these things

Sir Nazimuddin feels that his position is not yet secure beyond doubt; he fears that there may be further landslides in his party. It is merely to prevent these landslides that he has brought forward this Bill.

Thus we see that all talk of large-heartedness is sheer bunkum. The real object of the Bill is for Sir Nazimuddin to maintain himself in power at any cost. While I say this, I do not deny that members—at least some of them—have been put to some amount of hardship as to how to get on with the allowances that they are getting, but I am not prepared to accept the view that they cannot get on as they have been getting on for the past few years. If they have suffered so long, they must be prepared to suffer a little longer. The allowance that they are getting now is nothing but subsistence allowance; it is quite good for subsistence. Why then increase their allowances and emoluments at a time when other greater pressing commitments and obligations have a prior claim to a consideration from the public exchequer. If Sir Nazimuddin really felt that he has been able to make out a case in support of his Bill, if he feels that some enhancement should be made, he at least ought to have accepted our amendment that the Bill be circulated for eliciting public opinion. Only the other day, the Hon'ble Commerce Minister put off the Bengal Khalasis Bill which proposed to redress the grievances of the khalasis, most of whom are Muslims, on the alleged ground that the Bill was not properly circulated for eliciting public opinion. Why should not the same be done in this case also? If, Sir, there is a case more fit than another that a Bill should be circulated for eliciting public opinion, it is this Bill. We, as the representative people, must consult the country at large whether, at the present stage of the country, we should increase our own emoluments. To avoid doing so, as has been done by Sir Nazimuddin, shows that the real object of the Bill is not due to any large-heartedness or consideration of the hardship of members, but it is to devise ways to consolidate Sir Nazimuddin's position still further. Sir, we must oppose this hypocritical piece of legislation.

With these words, I record my strongest condemnation to this Bill.

Mr. MD. MOZAMMEL HUQ: মাননীয় সহ-সভাপতি মহোদয়, আমি অনেক দিন থেকে কিছু বলি নাই, আজকেও বলার কিছু ইচ্ছা ছিল না, যেহেতু আজকে memberদের বেতন বৃদ্ধি বিলের আলোচনা। এটা একটা পাপের কাজ। মেম্বারেরা মাইনে বেশী পাবে, এ'ত একটা অপরাধের ব্যাপার, এর সম্বন্ধে আমার বক্তৃতা হয় কি করে? আজকে তিন দিন পর্যন্ত আমার বিরুদ্ধ দলের (Opposition) বন্ধুদের বক্তৃতা এবং গালাগালি শুনিয়াছি এবং তাদের মনোভাব দেখেছি সেইজন্য দুই-চারটে কথা বলতে ইচ্ছা হয়েছে। সুতরাং না দাঁড়িয়ে পারলাম না। ইচ্ছা ছিল কিছু বলবো না, তবে ওদের নাকামীটা দেখে না বলে পারলাম না (A VOICE: "ওহো", "ওহো",)।

Sir, ব্যাপারটা কি জানেন? এই বিজ্ঞানজগতে অনেকগুলি যন্ত্র আবিষ্কৃত হয়েছে। আপনারা সবাইই জানেন দুধ ভাল কি মন্দ পরীক্ষা করার জন্য Lactometer, জ্বর পরীক্ষার জন্য thermometer, তাপ পরীক্ষার জন্য Barometer আছে। ভূমিকম্প যন্ত্র দিয়ে ধরা যায়, কয় মাইল দূরে ভূমিকম্প হ'লো যন্ত্র দিয়ে জানা যায়। এরকম যন্ত্র বহু আবিষ্কৃত হ'য়েছে। শুনেছি চোর ধরারও একটা যন্ত্র আবিষ্কৃত হয়েছে, সেই যন্ত্রটা চোর চুরি করে আসলে তার বুকের উপর ধরলে টক্ টক্ করে তার কি যে একটা ব্যাপার হয়, সে খোদা জানে, যন্ত্র দিয়ে তাকে ধরা যায়। আমাদের Indiaতে সেটি আসেনি, শীঘ্র আসবে। এই রকম যন্ত্র অনেক হয়েছে। কিন্তু এই রকম একটা যন্ত্র কোন বৈজ্ঞানিক যদি আবিষ্কার করতো যে এই এসেম্বিলীর memberদের বুকের উপর ধরলে তাদের মনের কথা বোঝা যেত—বোঝা যেত যে এই বিলকে কে চায়, কে কে চায় না। (Laughter from the Government benches.) তাহলে এই তিন দিন ধরিয়া বিলের বিরুদ্ধে যাহারা লম্বা লম্বা বক্তৃতা করিয়াছেন বিরুদ্ধদলের বন্ধুদের অনেকেরই বিপদ হোতো। সবই তখন যন্ত্র দিয়ে ধরা পড়ে যেত; মুখে যত কিছুই বলুন না কেন কাজের বেলায় তাঁহারা যে সকলেই বেতন বৃদ্ধি চান, তা ধরা পড়ে যেত। Sir, সত্য কথা কিছু বলবো (laughter from the ministerial benches) বলবো কি? বললে বন্ধুদের বিপদ হবে।

Khan Bahadur Haji BADI AHMED CHOWDHURY: মনে হয়েছে বলবেন না কেন?

Maulvi MD. MOZAMMEL HUQ : শুনুন বলি, আমাদের মাননীয় প্রধান মন্ত্রী স্যার নাজিমুদ্দিন সাহেব সেদিন বিলটা present করার সময়, কেন যে memberদের বেতন বৃদ্ধির উনি প্রস্তাব করেছেন তার জন্য যে যুক্তিপূর্ণ বক্তৃতা দিয়েছেন, (A VOICE : অকাট্য যুক্তি।) যে অকাট্য যুক্তি দিয়েছেন তার মধ্যে কিছু doubt নেই। সত্যের উপর যাদের শ্রদ্ধা আছে তাদের এর বিরুদ্ধে কোন বক্তৃতা খাটে না। (Interruption and noise.) আমার ওপারের বন্ধুদের সত্যের সঙ্গে কোন সম্পর্ক এবং বালাই নেই। সত্য সম্বন্ধে বালাই যখন নাই, তখন তারা যা ইচ্ছা বলতে পারে। (A VOICE : আপনি যা সত্যের অবতার।) (Loud shouting and uproar.) চেল্লাবেন না, যা ইচ্ছা তাই বলুন, এটা হচ্চে একটা চেল্লাচিল্লির যায়গা। শুনুন, Sir, ওঁরা ত সকলেই স্বদেশী patriot ; স্বদেশপ্রীতি, জাতীয়তা, patriotism, একচেটিয়া ওঁদেরই। আমাদের কংগ্রেসী বন্ধু, কৃষক বন্ধু, যত বন্ধু আছেন তাঁরা আমাদের গরীব দুঃখীকে যখন মহাজন একেবারে আষ্টে পৃষ্টে বেঁধে চুষে ফেলে দিবার যোগাড় করলে তখন আমরা Money-lenders Bill আনলাম তাদের relief দেবার জন্য, তখন আমার বন্ধুরা সেটাকে oppose করলেন। (A VOICE : এটা মিছে কথা।) তাদের কথার সঙ্গে কাজের মিল কোথায় আছে? (Loud noise and uproar.) আপনারা এরূপ করে সকলে চেচাচ্ছেন কেন? আমার কথায় প্রাণে ঘা লেগেছে বুঝি? যদি আপনাদের একটুও আত্মসম্মান জ্ঞান থাকে একটু চুপ করে শুনুন ; তিনদিন পরে একটু উত্তর শুনুন। তারপরে Sir, Bengal Tenancy Amendment Act সম্বন্ধে ওঁরা কি করেছেন শুনুন। প্রজাদরদী ওঁরা, মহামহারথী, বড় বড় বিরাট বিরাট জমিদার ওঁরা এখানে বসে প্রজার দরদের জন্য লম্বা লম্বা বুলি আওড়ান। সাত বছরের Assembly Proceedings পাঠ করলে দেখা যায়-- তাঁদের এক এক জনের বক্তৃতায় প্রজার দরদের জন্য ওঁদের প্রাণটা ফেটে যাচ্ছে। যখন আমরা Tenancy Amendment Act করতে গেলাম কি যে opposition উপস্থিত হয়েছিল ওঁদের পক্ষ হতে (A VOICE : মিথ্যা কথা।) এসেম্বলীর গত ৭ বৎসরের হিসাবে আমি দেখাতে পারি, আমাদের যত দরিদ্র প্রজা, গরীব দুঃখী, সর্ব্বহারা, তাদের উপকারের ও মঙ্গলের জন্য আমরা ৭ বৎসরে এত বিল এনেছি যে তার সংখ্যা করা যায় না। সেই বিল যখনই এনেছি, তখনই তাহা আমার বিরুদ্ধদলের বন্ধুদের oppose করা চাই-ই। (Laughter) আজকে যদি তার record নেওয়া যায়, তাহলে দেখা যাবে, দেশের লোকের জন্য আমরা যা কিছু সৎকাজ করেছি তার প্রত্যেক কাজেই বন্ধুগণ বাধা দিয়াছেন। কথায় আর কাজের সঙ্গে তাদের কোথাও মিল নাই। দেশের লোকের জানা আছে যে তারা শুধু বড় বড় বুলি আওড়ায় এবং খবরের কাগজে বড় বড় heading দিয়ে বক্তৃতা ছাপেন (Laughter and loud shouting) কিন্তু দেশের মঙ্গলজনক প্রত্যেক কার্য্যে তাঁরা বাধা প্রদান করেন।

Sir, এখানে যদি আমি যুক্তির সঙ্গে এ সম্বন্ধে কিছু বলতে যাই, তাহ'লে এদের ভয়ানক যন্ত্রণা হয়ে দাঁড়াবে। এখন হাটে হাঁড়িটা ভাঙ্গব কি? (A VOICE : ভাঙ্গুন, আপনার মাথায় ভাঙ্গুন।) Sir, Vestibuleএ যখনই, বিরুদ্ধদলের বন্ধুদের সঙ্গে আমার সাক্ষাৎ হতো, তখনই এঁরা ছুটে এসে আমাদের জিজ্ঞাসা করতেন, বিলের কি করলেন? কি করব? বিল আনলে তো আপনারা oppose করবেন। কখনও oppose করব না (laughter) কত চান? ৩০০৲ টাকা চাই। তিনশো, এত টাকা আমরা পারব না। না, আমরা পঞ্চাশ দেব--(laughter)। না, তিনশো দেওয়া চাই। এই রকম করে আমাদিগকে তাঁরা অনবরত উৎপাত করেছেন। ক'রে যেই নাকি বিল আনা হ'ল--৩০০৲ টাকা তাদের দাবীমত না করে, মাসিক ২০০৲ টাকা বেতনের বিল আনা হ'ল, সেই সময় তাদের মহা আক্রোশ হয়ে গেল। বিল তিনশো টাকায় না হয়ে দুশো টাকায় হল কেন? লাগাও চেল্লাচিল্লি চাই না এ ক্ষুদ্র পঞ্চাশ টাকা বেতন বৃদ্ধি। এর চেয়ে ন্যাকামি আর কাকে বলে, এর চেয়ে মোনাফেকী আর কাকে বলে? আমি সেইজন্য বলছি যে আরও কথা বলবার আছে, অনেক গোমর কথা বলবার আছে, তা বলব না। (A VOICE : বলুন।) শুনুন ; এই বিল সম্বন্ধে Official Congress থেকে কোন amendment নাই, Progressive Partyরও amendment নাই এবং কৃষক প্রজা পার্টি হইতেও কোন amendment নাই। ঐ আমার দু-চারটা বন্ধু যারা cheap popularity চায় তাদের amendment আছে। একটি বক্তৃতা দিয়াছেন মাননীয় প্রধান মন্ত্রী স্যার নাজিমুদ্দিন সাহেব, Mr. S. S. Sanyalকে বলেছেন, আপনারা যেটা পূর্ব্ব থেকে ৫০৲ পাবেন, সেটা security prisonerদের দিয়ে দিন, এটা test হোক। যে ৫০৲ টাকা বৃদ্ধি হয়েছে সেই ৫০৲ টাকা security prisonerদের দাও। আমার বন্ধু নরেন্দ্র চক্রবর্ত্তী বলেছিলেন "আমি দেব।" আমি বলি ২৬ জন মেম্বর আছেন ওপারে কংগ্রেসে আর আমাদের মেম্বর নরেন্দ্র চক্রবর্ত্তী ১ জন এই মোট ২৭ জন মেম্বরের ৫০৲ হিসাবে মাসে ১,৩৫০ টাকা হয়, security prisonerদের মাসে মাসে ১,৩৫০ টাকা দিন। একটা test হোক না কেন। আপনারা ২৬ জনে মাসে যদি ১,৩০০ টাকা দেন তবে বাবু নরেন্দ্র চক্রবর্ত্তীর মাসিক ৫০৲ টাকার জামিন আমি রহিলাম। আপনারা দেখিয়ে দিন দেশবাসীর কাছে যে বিল যখন পাশ হয়ে যাবে তখন

আপনারা ৫০৲ টাকা করে ২৬ জনে monthly, security prisonerদের দিয়ে আসছেন। (Shouting.) সত্য কথা বলবার জন্য আমি দাঁড়িয়েছি। আমার অনেক কথা বলার আছে। (blue light) এখনই বাতিটা জ্বালাবেন না Sir, অনেকদিন পরে দাঁড়িয়েছি অনেক কথা বলবার আছে। তারপরে আমাদের দেশে আর এক রকমের লোক আছে, তাদের উদাহরণ এখানে খাটে না, তবু না দিয়ে পারি না। বড় উত্যক্ত হয়ে গিয়েছে মনটা ওদের ব্যবহার দেখে। আমাদের দেশে সিঁদেল চোর আছে। তারা রাত্রে চুরি করে ধরা পড়বার ভয়ে দিনের বেলায় একে অন্যে মারামারি, কাটাকাটি, কিলাকিলি যতদূর করবার করে। রাত্রে চুরি হলে লোকে যেন না ভাবে ওরা এক হয়ে চুরি করেছে। প্রকৃতপক্ষে কি ওরা এক হয়েই রাত্রে চুরি করে। আমাদের বন্ধুদের বেলায়ও তাই--মনের তলদেশে বেতন বেশী নেওয়ার ইচ্ছা আছে প্রত্যেকেরই, কিন্তু বাহিরে এসেম্বলীতে বক্তৃতায় দেখান বেতন বৃদ্ধি চাই না। আমার বন্ধুদের খাওয়ার ইচ্ছা আছে, নেওয়ার ইচ্ছা আছে, বহু ইচ্ছা আছে, বহু সাধ আছে, বাইরে একটু দেখান বক্তৃতায় যে "আমরা চাই না"। কেহ কেহ amendment দিয়েছেন ২০০৲ টাকা চাই না মাসে ১০০ টাকা চাই—কেহ দিয়াছেন মাসে ১৫০৲ টাকা চাই, এই সব খবরের কাগজে তুলে দিয়ে একটু দেখান চাই যে আমরা বেতন বৃদ্ধি চাই না--আমরা বেতন বৃদ্ধি চাই না। আমরা সব বুঝি গো বুঝি। তোমাদের সব চালাকি বুঝি তোমাদের ভিতরকার মনোভাব বুঝি। তারপরে আমার বন্ধুরা দোষ দেন যে আমরা এই দুর্দ্দিনে মেম্বরদের মাইনা বাড়িয়ে নিচ্ছি কেন? আমাদের মাইনে বাড়িয়ে নেওয়াটা এ সময় উচিত নয়। আমি এ সম্বন্ধে জিজ্ঞাসা করি--ওঁরা প্রকৃতই যদি টাকা save করতে চান তাহলে ওঁরা যে রকম এই opposition দিয়ে, point of order অথবা point of privilage তুলে যে সময় নষ্ট করেন, সেটা না করলে গভর্ণমেণ্টের বহু টাকা বেঁচে যায়। লক্ষ লক্ষ টাকা বেঁচে যেতে পারে। শনিবারটা ওঁরা বন্ধ দেন, রবিবার ত বন্ধ থাকেই। চাষীরা দশ ঘণ্টা মাঠে কাজ করে। মজুরগণ কলে ৮ ঘণ্টা কাজ করে, আপিসে কেরাণীগণ ৭ ঘণ্টা কাজ করে। এখানে আপনারা ৩ ঘণ্টা কাজ করেন। এখানে যদি ওঁরা আমার বিরুদ্ধ দলের (Opposition) বন্ধুগন ৩ ঘণ্টার জায়গায় ৫ ঘণ্টা কাজ করতে রাজী হন তাহলে এসেম্বলীর ও গভর্ণমেণ্টের বহু টাকা বেঁচে যায়। তারা টাকা বাঁচাইবার সেই প্রস্তাব নিয়ে আসুন। আমরা টাকা বাঁচিয়ে দেব। আমরা তাতে রাজী আছি। আমার এই প্রস্তাবে দেখা যাবে আপনাদের sincerity আপনারা কতটুকু খাঁটি এবার তার পরীক্ষা হবে।

স্যার, এখানে মৌলবী আবদুর রেজ্জাক সম্পর্কে দু-একটি কথা না বলে পারলাম না। একটি কথা আছে বিড়ালে ১০০ ইঁদুর মেরে (loud laughter and noise) বললে আমি এবার হজ করতে মক্কা যাব। তিনি সেদিন বক্তৃতায় বলেছেন Ministerগণ এবং Ministerদের supporterরা চাল চুরি করে, ডাল চুরি করে, তেল চুরি করে, সব চোরের দল এরা। উনি সেদিন Assemblyতে আমাদের উপর এই অপবাদ দিয়েছেন। * * * *

Mr. NISHITHA NATH KUNDU: Mr. Deputy Speaker, Sir. Is the member in order in making such false statements? He may be asked to quote facts to substantiate his remarks He is making all false and shameless remarks.

(Cries of "withdraw, withdraw" from the Congress Benches.)

Mr. ATUL CHANDRA SEN: On a point of order, Sir. I submit the member cannot make a statement like this. He must withdraw his statement.

Mr. DEPUTY SPEAKER: I have disallowed it, and I would not allow that portion to go into the proceedings of the House.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Maulvi Md. MOZAMMEL HUQ: মাননীয় সহঃ সভানুখ্য সাহেব, আর এই অল্পই বাকী। আপনাদের কোন ভয়ের কারণ নাই। Sir, এই মেম্বারদের salary বিলে মাইনে একটু বৃদ্ধি হবার জন্য খবরের কাগজগুলি পর্য্যন্ত চেল্লাচেল্লি করছে, ওঁরা তো করছেনই। যে খবরের কাগজের দাম ছিল দু'পয়সা, এই যুদ্ধের বাজারে ৮ পয়সা করে নিচ্ছে, চারগুণ, আর advertisement rate আটগুণ-দশগুণ করে বাড়িয়ে দিয়ে লক্ষ লক্ষ টাকা পাচ্ছে। সেখানে তাদের খেয়াল নেই। খবরের কাগজওয়ালারাও আজ চেল্লাচেল্লি করছে memberদের মাইনে কেন বাড়বে, memberদের মাইনে কেন বাড়বে? তা বলছি মেম্বারদের মাইনে কেন বাড়বে? মন দিয়ে শুনুন, অভিনিবেশসহকারে শুনুন, গোলমাল করবেন না। কথা হচ্ছে যে আগে যে Council ছিল সেটা বড়লোকদের Council ছিল, রাজা, মহারাজা একেবারে মহারাজাধিরাজ, সকলের অধিরাজদের তখন ছিল

Council, তাঁরাই সেখান অলঙ্কৃত করতেন। (A VOICE: "question", "question") তখন memberদের মাইনে ছিল না। তাঁরা এখানে এসে একটু স্ফূর্ত্তি করে যেতেন। আইনকানুনগুলি নিজেদের সুবিধা করে প্রজার গলায় ছুরি দিয়ে করতেন। তাঁদের টাকার দরকার ছিল না; এমনি কত লক্ষ লক্ষ টাকা তারা খরচ করে পকমর্ম্ম করেন তা সকলেই আপনারা জানেন। তাঁরা একটু স্ফূর্ত্তি করে যেতেন এখানে আর প্রজার গলা কেটে যেতেন। আইন করে প্রজার স্বার্থ হানি করেছেন। তারপরে Sir, যখন autonomy হল তখন ছয় আনার ভোটারগণ ভোট দেওয়ার অধিকার পেল, পূর্ব্বে ২৲ টাকার সেস্ দেওয়ার ভোটারগণ ভোট দিতেন। কাজেই এখন আমরা প্রজার প্রতিনিধি হয়ে এসেছি। গরীব দুঃখী সেই রকম রাজা-মহারাজাদের ত আর voteটা দ্যায়নি, কারণ তাদের স্বার্থের বিরোধী তারা। প্রজারাই vote দিয়ে এখানে আমাদের পাঠিয়েছে। ১৯৩৭ থেকে আমরা এখানে এসে যে আইন করছি সেটা করছি নিজেদের মঙ্গলের জন্য। তাদের ছেলে আছে, পিলে আছে, পরিবার আছে, ওকালতি আছে, কারবার আছে। তাঁরা এখন যে সমস্ত আইনকানুন করেন তা প্রজার মঙ্গলের জন্যই। Government of India Actএ পর্য্যন্ত মাইনের ব্যবস্থা রয়েছে। এটা কোন নূতন কথা নয়, Government of India থেকে মাইনের ব্যবস্থা করে দিয়েছেন, সেইজন্য মাইনেটা হয়েছে। পূর্ব্বে মাইনে একেবারে ছিল না, তারপরে মাইনে হ'তে একটু সইয়ে সইয়ে নিতে হয় কিনা! (Laughter) এই হ'লো খাঁটি কথা। আচ্ছা Parliamentএর কি অবস্থা? সেখানে নাজিমুদ্দিন সাহেব বললেন যে ৪০০ পাউণ্ড ছিল, এখন ৬০০ পাউণ্ড করে নিয়েছে। সেই রকম আমাদের Parliamentএও হবে. "মহাজনঃ যেন গতঃ স পন্থা," সংস্কৃতে বলে। আমরাও সেই পথে চলছি। এই টাকার দরকার আছে কি না। তেলের দাম ছিল ছয় আনা, হয়েছে দেড় টাকা; যেখানে নুনের দাম ছিল দুই পয়সা সেখানে হয়ে গিয়েছে চার আনা, পাঁচ আনা, ছয় আনা। যেখানে গুড়ের দাম ছিল ছয় পয়সা সেখানে ১২ আনা করে গুড়ের সের। যে কাপড় ছিল চার টাকা, পাঁচ টাকা জোড়া সে হয়েছে ২৫৲ টাকা, ২৫৲ টাকা; লংক্লথের থান চার আনা গজ ছিল, এখন আগুন। (Laughter.) পত্রিকাওয়ালারা সেটা দেখে নিন্ কেন দরকার। এইসব ছেলে আছে, পিলে আছে, কাপড় বেশী লাগে, চাল বেশী লাগে। লাকড়ি এক আনা মণ ছিল ২৲ টাকা মণ হয়েছে। খরচ এত বেশী বেড়ে গিয়েছে যার জন্য memberরা যা পায় তাতে বাস্তবিক পক্ষে পোষায় না, এটা আপনারা স্বীকার করবেন। আমার oppositionএর বন্ধুগণ এটা নিশ্চয় স্বীকার করবেন, যদি স্বীকার না করেন, তিনি আপনাদের সত্যের অপলাপ করবেন। তারপরে Sir, ওঁরা যে চেঁচামেচি করেন, এই Corporationএ কোটি কোটি টাকা ছিনিমিনি খেলছেন তাতে কিছুই হয় না; বহু টাকা High Courtএর বড় বড় Barrister, উকীল এক এক হাজার টাকা ওদের fee, এই সব টাকা নিয়ে বড় বড় দালান কোঠা করেন। Sir, এই ঘরের ভিতর ৫০৲ টাকা নিয়ে ছিনিমিনি করার কোন লোভ নাই ওঁদের। আমরা সব গরীবদের প্রতিনিধি হয়ে এসেছি, আমাদের ছেলে আছে, পিলে আছে, সংসার আছে—আমরা সে সব ফেলে এখানে এসেছি। আমাদের ৫০৲ টাকা দেওয়া বড় বেশী জিনিষ নয়। শুনুন, আপনাদের যদি ভাল না লাগে আমি বলি যারা চায় না তারা নেবে না। কত করে নেন্ আমরা দেখবো, যদি সত্যের অনুসরণকারী আপনারা হন। হাঁ দেখবো আপনাদের ন্যাকামীটা কত। Sir, এই হোলো ব্যাপার। আজ সামান্য কিছু বৃদ্ধি করেছেন আমাদের Government এটা এমন কিছু অন্যায় হয়নি। এই দেখুন নজীর এই "Statesman", বাংলার Assembly দেখুন, Reporterগণ, Members' Salaries Bill: Lahore, December 15: "The Punjab Assembly adjourned *'sine die'* to-day after passing their official Bills, including the Punjab Legislative Assembly (Allowance of Members) Bill, which raised the monthly salaries of the members from Rs. 200 to Rs. 300, that is, 50 per cent. আর আমাদের memberরা, তাদের হচ্চে 33 per cent.এরও নীচে। তারপরে শুনুন। একজন oppose করেছিলেন। শুনুন,—চৌধুরী M. Hossain, Leader of the Opposition, urging the withdrawal of the Bill suggested that instead of spending more money on members' salaries Government should ameliorate the condition of low-paid employees, এই হ'লো তার argument, Opposition Leaderএর। তার পরে Sir Monohar Lal, Finance Minister, said that Government were not neglecting their low-paid employees. In the past six months Government had increased their expenditure on dearness allowance by Rs. two crores, not one lac. ৬ মাসে ২ ক্রোড় টাকা দিয়েছে ill-paid সব employeeদের। সেখানে justification আছে।

(At this stage the member having reached his time limit, resumed his seat).

Mr. DHIRENDRA NATH DATTA: Mr. Deputy Speaker, Sir, I rise to oppose the motion with a full sense of responsibility. I am fully aware, Sir, that the prices of the necessary articles of life have increased enormously, that the stay in Calcutta has been much more expensive than what it was when the Bill was passed into law in the year 1937, but in spite of all this, this consideration should not be allowed to prevail.

Sir Nazimuddin has illustrated that our position is equal to that of employees. We are certainly not employees of Government. We have come here to represent our constituencies, to serve the people in the locality and we must be prepared to make sacrifice and to undergo greater sacrifice, if it is necessary.

Mr. Deputy Speaker, Sir, it is said that this Bill is necessary for giving relief to the members of the Legislature. But before giving relief to us I shall refer to the condition of the menial staff of this House. Their pay was Rs. 13 and the Calcutta Allowance was Rs. 2. It is a ridiculously low sum, and now they have been drawing, I understand, Rs. 28. Is it sufficient for menial staff to stay in Calcutta on a small pittance of Rs. 28? If any relief is to be given, the relief must be given to the menial staff of this House.

I shall come to another question. Not only the menial staff of this House but also the ministerial staff of this House require an immediate relief. I understand, Sir, the pay of the lower grade ministerial staff is from Rs. 60 to Rs. 130, with not an annual increment but a biennial increment of Rs. 5. Then, Sir, the pay of the Upper Division ministerial officers is Rs. 115—Rs. 300. Before the year 1913 when the Council was in session they used to draw a daily allowance of Rs. 3 for extra work but that has been discontinued in the year 1913. When the Assembly is in session they work up till 7 or 8 at night and they are entitled to draw a daily allowance of Rs. 3 that was allowed to them before the year 1913. This must be revived before we are to get any allowance. So, Sir, we have been very unjust to the officers of this House, to the menials of this House, but we want to give relief to ourselves.

Then, Sir, I cannot but cite the instance of the primary school teachers. The primary school teachers draw a small pittance of Rs. 16 including the allowance that has been granted to them on account of dearness. A small pittance of Rs. 16. Is it sufficient? What is the condition of education in the rural areas? The teachers have left the schools. Imagine the picture of school buildings before your eyes. The school buildings are in a dilapidated condition. They need immediate repair. I put a supplementary question to the Hon'ble Minister in charge of Education. He said this could not be done for want of funds. Funds are available in the case of giving relief to the members of the legislature but funds are not available in order to give relief to the teachers of primary schools.

Then, Sir, this Ministry are anxious to pass the Secondary Education Bill, but do they know the condition of secondary school teachers in the rural areas? The secondary school teachers have left the schools and education has come to a stop in rural areas. Not only primary education but also secondary education has been stopped on account of want of funds. They have not funds to ameliorate the condition of the secondary school teachers but they have funds to ameliorate the condition of the members of the Legislature. Sir, I can multiply instances. The district board and the municipal employees are in a very pitiable condition. I shall only remind them that they should be guided by one consideration—the human consideration. Their need is greater than mine. They have been weighed in the balance and they have been found wanting. They are in an advantageous position and so they want to ameliorate their own condition but they do not look to the sufferings of others.

Then, Sir, it has been said that they have got the right because the prices of necessaries of life have increased and the stay in Calcutta has

become much more expensive. We people generally think of rights but we do not think of duties. First of all we must think of our duties. How many of us are prepared to perform our duties? Independence of India will not be possible if you yourselves think of the rights of the citizens but do not do the duties that are imposed on you as members of the Assembly.

Mr. Deputy Speaker, Sir, the previous speaker has indulged in so many untruths that it is impossible to contradict them. He said when the Money-lenders Bill was introduced we opposed it. We never opposed the Money-lenders Bill. If there was any opposition, it was by way of amendment which was put forward for the purpose of giving greater relief. He said that the Bengal Tenancy Bill was opposed by us. The Bengal Tenancy Bill was not opposed by us. If any amendment was put forward, the amendment was put forward for the purpose of giving relief to the agriculturists. Amendments were put forward to give relief to the agriculturists but these amendments have been thwarted by the Ministers. Recently, Sir, in our locality on account of section 23 of the Bengal Tenancy Act, large number of suits have been instituted for ejectment under section 155 of the Bengal Tenancy Act, for excavating a tank in a certain portion of holding. Suits have been instituted in large numbers and this excavation of tanks is a necessity for the benefit of the rural population. Sir, I put forward a Bill in order to amend section 23 of the Bengal Tenancy Act and suggested a consequential amendment of section 155 of the said Act, but that Bill was thwarted by the Ministers. They say that they have sympathy for the agriculturists, but as a matter of fact, we have seen that they have got no sympathy for the agriculturists.

Sir, it is said that we are hypocrites—those who oppose the Bill are hypocrites. If you call us hypocrites, we would only like to say in reply that a man is judged by himself. They know that really we are not hypocrites and we really feel that such a Bill should not be passed into law. Sir, we really feel that such a Bill that seeks to ameliorate the condition of the members of this House at such a time like this should not be passed into law. Sir, Mr. Narendra Narayan Chakrabarty has said that if we are also willing, he is prepared to deposit Rs 50 with the Hon'ble Minister in charge of the Home Department in order to give relief to the security prisoners. Why should he make a deposit? We know how to give relief to our friends who are rotting in jails. As a matter of fact, we are doing that. Do they know that? Why should a deposit be made with the Hon'ble Minister in charge of the Home Department who has got no sympathy for these people? If my friend is anxious to make a deposit, let him make a deposit, but why should he say "if"? If he is really serious about that, let him make a deposit of Rs. 50 a month with the Home Minister to give aid to the political prisoners, but so far as we are concerned, we know how to give relief to the political prisoners. We shall do that in spite of the instructions from the other side. Sir, it is well-known to many how our money is spent. Many of us here are already spending a portion of our pay for this purpose. We are not utilising the whole amount of our pay for our own purpose and, if necessity arises, we shall continue to spend the money in that way.

Sir, in this connection it is impossible to forget that a very small allowance has been granted to some of the detenus who have been detained without trial for a long time. Many of them have been granted no allowance at all; further, they have been detained without trial. I submit, Sir, that if they have been detained without trial, each one of them should get an allowance. Either they should be prosecuted on charges or they should be released, and if the release is not possible, then each one of them should be granted an allowance. So, I submit, here is a case in which we feel, strongly feel, and we speak with a sense of responsibility, that this is an ill-conceived piece of legislation. The allowances of the members of the Legislature

should not be increased at such a time in Bengal. Sir, it is difficult to give a picture of the miseries of the people of Bengal. It is useless because that picture will not soften the hearts of the Ministers.

With these words, I do oppose the third reading of the Bill.

Mr. NISHITHA NATH KUNDU: Mr. Deputy Speaker, Sir, one of our friends was expressing regret that he has found many apparatuses to record many things, but he has not found an apparatus to record the inner human feelings. I say, Sir, that the gentleman, I mean Maulvi Mozammel Huq, who was expressing regret was himself a "manometer" recording very efficiently through his speech the patronage and favour that he received from the power that be. There was nothing sensible in his speech and we may treat it with the contempt it deserves. It will be enough if I say that the speech was a speech befitting a clown of the notable Hippodrome Circus.

Sir, a question has been put to us whether we are going to accept this or not. I do not understand how the responsibility is shifted and the advisability of introducing this Bill explained by putting questions like this. It does not matter whether one member or a dozen members refuse to draw the enhanced salary. It does not explain how at this time it is advisable to pass a Salary Bill like this on the ground that the cost of living has gone up and it must be adequately compensated.

Sir, if it was a sincere narration of principle, I would ask how the sub-grade clerks in different District offices and the poor clerks in Sub-Registry offices could do with a paltry sum of Rs. 35 per month. Who are those clerks? They are our relations. Their status is equal to our status. If a son or daughter of their family is found ill of typhoid, the medicines and diet will be the same as the medicines and diet that will be required for the son and daughter of the Hon'ble Khwaja Sir Nazimuddin.

Now, Sir, how does he explain his sincerity, how does he explain that he feels for all who are suffering from want of a proper remuneration? Sir, the feeling in the country is that we, members, are very selfish; we have got the power of legislation with us and are passing a Salary Bill for increasing our salary, but have forgotten the other members who are rendering immense public service to the country in different other capacities.

I do not understand how a Minister introduces a Bill in the hope that 20 persons may not draw any benefit therefrom. Even if we do not draw it, the advisability of such a Bill is not explained because a member who will not draw the enhanced salary will alone receive the credit for not drawing it. Then again, Government have done nothing for the security prisoners who are inside the jails. I will only cite two or three examples. Under their liberal policy, Government granted Rs. 10 to Sj. K. C. Kundu, a security prisoner in the Dum Dum Jail, who has got 13 dependents to maintain which was increased to Rs. 20. They granted Rs. 5 to the widowed mother of Sj. K. C. Chatterji of the Presidency Jail which was raised by stages first to Rs. 10 and then to Rs. 15. They have also granted Rs. 20 to Sj. N. Modak, a Mukhtear who was practising before his arrest and earning much more than Rs. 20. (Interruption by Mr. Rasik Lal Biswas). We know you. Please sit down. This is the way the Government are treating security prisoners. We are not depending on the advice of the members opposite in the matter of performing our duties to the security prisoners. It will not be an exaggeration to say that there are many members here who have during these seven years as representatives in the country, exhausted all they had and have in the service of their fellow countrymen. They are prepared to exhaust their all even in future. Some honourable members opposite are raising questions which they may think, by putting them to us, may save their face. They cannot save their face. I give them this warning that people in the country are sufficiently intelligent to understand the reason and the object of introducing this Bill. They will not forgive the members responsible for it. They will not forget all the things which they are doing here.

As regards adequacy, I say that even Rs. 200 is not at all adequate even now. We do not oppose this Bill because we think that we do not deserve Rs. 200. In merit and in efficiency, I must say, there are a large number of members in the Opposition who excel the Ministers, their Secretaries and Under Secretaries. So, if you say that the salary be enhanced to Rs. 2,500, even then it will not be too much to be given for many members adorning the Opposition benches. The question of adequacy is not the one which has to be considered in introducing a Bill of this kind. It is the time, the circumstances and other factors which we have to take into consideration and then introduce such a Bill. Why not withdraw it if you want to test our sincerity. We challenge you to withdraw it and see how we face it.

Mr. ATUL CHANDRA KUMAR: Sir, my friend Mr. Mozammel Huq has abused us for nothing. He cannot understand why this Bill proposing a small increment of Rs. 50 in the members' emoluments is opposed by us, and he will not understand it. This session has been summoned for two main reasons. One is to propose certain amendments to the Assembly Procedure Rules so that the Secondary Education Bill may be passed. Another reason is to bring in the Salary Bill to please the members. This Bill has been thrust upon the Hon'ble Chief Minister and therefore I have nothing to say to him. I would ask the honourable members to recall that when the Assembly was prorogued last time, there were no-confidence motions before the House. This Bill has been brought in to see that members do not change their sides. That is an important point to be noted in this connection.

We are glad that Mr. Mozammel Huq has described us as hypocrites because the Congress members opposed the Salary Bill in the Punjab. He has not quoted the extract fully. The passage reads thus: "The Bill was opposed by the Congress and the Muslim League". So, if we are hypocrites, they are also hypocrites. We are told that if we do not want any increase in salary, we need not take it. If that is the attitude of members opposite, why don't they ask the Hon'ble Chief Minister to get a Bill proposing an increase of Rs. 50 only to their members, Parliamentary Secretaries and Under Secretaries barring the opposition, so that the latter cannot draw a single pie more than Rs. 150. You can introduce such a Bill and get it passed. With the slogan of relief of detenus, in their lips, some members justify this increase. Is that not hypocrisy? Under the lead of Mr. Sarat Chandra Bose, members of this side of the House contributed 50 per cent. of their salaries and some even 75 per cent., two of whom have gone to the other side today. Therefore the members on this side of the House are not hypocrites and my friend Mr. Rasik Lal Biswas did not contribute anything and so he left us. Let us not abuse each other. The Bill that has been brought by the Hon'ble Chief Minister has, as I have said, been thrust upon him. This is the result of a warning given by the Chief Whip that Government could not bring in any good legislation unless they please the members. So, they have deemed it fit and proper to bring in this legislation first. Members ought to have been a little more generous to the sixteen men who are working as Parliamentary Secretaries. Perhaps after this Bill is passed, they will also be given an increase in their emoluments. I may say that they deserve it because they work just as hard as the Ministers. If the Ministers can draw Rs. 2,500, then the Parliamentary Secretaries can claim an increase of Rs. 250 or Rs. 300. I may tell the House that it is not a question of an increase of Rs. 50 only. You are all representatives of the people. You are representing your constituencies. Your constituencies are starving. You cannot claim any increase in salary. You have suggested an increase of Rs. 50 only because the European Party would not agree to Rs. 250 or Rs. 300. Therefore it is no use abusing the Opposition. You should abuse the Muslim League of the Punjab and the Congress of this Province. It is true that in Orissa the salary of members has been increased from Rs. 75 to Rs. 100 and the daily allowance from

Rs. 2-8-0 to Rs. 10. An increase has also been made in the salary of members in Assam. But I would ask the members: Are Assam, Orissa and the Punjab so famine-stricken as Bengal? I ask you one thing more: By whom these things were done? They were done neither by League Ministry, nor by Congress Ministry but by a Ministry devoid of the Congress and the League.

Mr. DEPUTY SPEAKER: Sir Nazimuddin.

(As soon as the Hon'ble Khwaja Sir Nazimuddin rose to speak, two members from the Opposition benches, namely, Maulvi Abdul Wahed and Sj. Narendra Nath Das Gupta also rose to speak.)

Order, order. The arrangement on Thursday last was that on the closing day only the leaders would speak. I got only one name and that was of Dr. Syamaprasad Mookerjee, but I do not find him here. Only to accommodate some members it was decided that I would close the debate at 7 o'clock and the Hon'ble Minister in charge of the Bill would then reply. So it is impossible to carry on if everybody wants to speak. It is the custom of the House that arrangement should be made by the Whips of respective parties to give me the list of names of members who wanted to speak. So I am sorry I cannot allow other members to speak now, and I hope members will not persist.

Maulvi ABDUL WAHED: মি: ডেপুটি স্পীকার, প্রত্যেক মেম্বার বলতে চায় না কিন্তু প্রত্যেকেরই বলার অধিকার রয়েছে। বিশেষ বিশেষ লোককে বলতে দিতে হবে এবং পার্টি হিসাবে প্রত্যেক দলের লোককে বলবার অধিকার দিতে হবে।

Mr. DEPUTY SPEAKER: I have accommodated as many members as possible, and members who drew my attention and approached me personally I had allowed them to speak. On the last day, possibly Thursday, and even today the Whip of the Krishak Praja Party did not see me and suggest any name from that party. Now at the eleventh hour when I have asked the Hon'ble Minister in charge to speak, gentlemen from all sides of the House rise to speak. In that case it is impossible to carry on.

Dr. NALINAKSHA SANYAL: Sir, may I request you to waive your objection and allow one member from the Kishak Praja Party to speak? It is expected that every party in the House, particularly members representing different parties in the Opposition, should have a chance to speak, but there has not been one single member so far from the Krishak Praja Party who has spoken, and it is only fair that one member from that party should be allowed to speak.

Mr. DEPUTY SPEAKER: I have no objection to that. I can allow Maulvi Abdul Wahed to speak for five minutes. But I would like to say again that it was up to the Whip of that party to inform me beforehand so that under the circumstances I could curtail the time of other speakers and allow him to speak without any difficulty.

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব, আজকে এই পরিষদে সদস্যদের বেতন বৃদ্ধির দ্বিতীয় দিনের আলোচনায় আমি এই বিলের বিরুদ্ধতা করতে গিয়া প্রথমে বলতে চাই যে, কেন গভর্ণমেণ্ট দল, বিশেষ ক'রে মন্ত্রিসভা, তাদের দলে এমন একটী লোককে অনেক টাকা দিয়ে রেখেছেন এবং সময় সময় তাকে অনেক টাকা দিচ্ছেন? (Hear! hear.) আমি বলব একটী প্রবাদ বাক্য রয়েছে 'চোরের মায় বড় গলা, আরও চাই, দুধকলা" (laughter) আমার বন্ধু মোজাম্মেল হক সাহেবও ঠিক তেমনিভাবে চোরের মায় বড় গলায় আরও দধ কলা মাগছেন। তিনি যে কতদূর সাধু তা বাংলাদেশের লোকের জানতে বাকী নাই। তিনি কত টাকা প্রেসের যে লুটেছেন গতবার (interruption).

Mr. DEPUTY SPEAKER: Order, order. I will not allow any personal reference to be made with regard to any member of this House. I have already said and it is common knowledge that members could not attack other members personally.

Mr. SYED HASAN ALI CHOWDHURY: Sir, when you have allowed Mr. Mozammel Huq to cast reflection on a member of the Opposition, it is only fair that you should allow us also to reply to that.

Mr. DEPUTY SPEAKER: I have disallowed that and I have ordered that those expressions should not find any place in the proceedings.

Mr. SYED HASAN ALI CHOWDHURY: But Mr Mozammel Huq continued even after that to cast reflection on Mr. Abdur Rezzak.

(Cries of "No, no" from the Coalition Benches.)

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব, আমার বন্ধু কবি সাহেব আমার প্রতি লক্ষ্য করে যে সমস্ত মিথ্যা অভিযোগ করেছেন, তার প্রত্যেকটী কথার জবাব দেওয়া দরকার। এবং গভর্ণমেণ্টের দলে যদি গোনা যায় তাহলে কয়েক ডজন লোক বাহির হবে যারা কেউ বা টাকা চুরি করেছে, কেউ বা সৎ কাজের টাকা চুরি করে খেয়েছে, এই রকম করে অপরাধ করে সেই অপরাধ থেকে মুক্তিলাভ করবার জন্য ঐ দলে ঢুকেছে। (Interruption and a VOICE: কতবেশী ঐ দিকে।) তাই আমি বলছি, সেই দলের ভাড়াটে লোক, টাকা খাওয়া লোক আজকে আবার সেই চোরের মার বড় গলা করে চীৎকার করছেন এবং নানান মিথ্যা কথা দিয়ে এই পরিষদকে এবং বাংলা দেশের জনসাধারণকে ভুলাবার চেষ্টা করছেন। আমি জিজ্ঞাসা করতে চাই বাংলাদেশ জুড়ে একটী কথা রটনা হয়ে গিয়েছে, আমি বাংলার প্রধান মন্ত্রী স্যার নাজিমুদ্দিন সাহেবকে জিজ্ঞাসা করতে চাই বাংলার জনসাধারণ আমাদের কাছে জিজ্ঞাসা করছে, "ভারত গভর্ণমেণ্ট নাকি সন্দেহ করে কোন কোন মন্ত্রীর বাড়ীর খানাতল্লাস করেছেন"—এই কথা সত্য কিনা? আমি তার জবাব চাই স্যার নাজিমুদ্দিনের কাছে। এবং এইভাবে দেখা যাচ্ছে সেই গভর্ণমেণ্ট দল সমর্থনকারী অনেক I. C. S., অনেক B. C. S., অনেক বড় বড় লোক, এই সমস্ত কণ্ট্রাক্টরী ব্যাপারে, এই সমস্ত নানা রকম চোরাবাজারী ব্যাপারে ধরা পড়ছে এবং নানা রকমভাবে তারা গ্রেপ্তার হচ্চেন ভারত গভর্ণমেণ্ট থেকে। বাংলা গভর্ণমেণ্ট তার কোন প্রতিকার করছেন না। (A VOICE: মিথ্যা কথা।)

Mr. DEPUTY SPEAKER: Order, order. You are absolutely out of order. You come to your point.

Maulvi ABDUL WAHED: আমি আমার পয়েণ্টে আসছি। আসতে গেলে যত চোর চোট্টা সম্মুখে পড়ে তাদের কথা না বলে আসা যায় না। তিনি বলেছেন, পাঞ্জাবে বিরোধী দলের নেতা সেখানে বেতন বৃদ্ধির বিরোধিতা করেছেন। তিনি ছিলেন লীগের নেতা। ওখানে এক লীগের নেতা হচ্ছেন কমানোর দিকে, আর আজ এখানে আর এক লীগের নেতা তা বৃদ্ধির চেষ্টা করছেন। (Uproar. A VOICE: কেন আপনারা দলে নাই?) আমি বলেছি তাঁরা সংখ্যায় গুরু, তাঁরা কেন oppose করে আমাদের কথায় সায় দেবেন? তাঁরা যা ইচ্ছা তাই করতে পারেন। (A VOICE: কেন আপনারা বলেন নাই সমর্থন করবেন?) এটা সম্পূর্ণ মিথ্যা, আমি কখনও একথা বলি নাই। এখনও আমি challenge করছি, এখনও আমি দাবী করছি স্যার নাজিমুদ্দিন এই বিল প্রত্যাহার করুন। যদি প্রত্যাহার করিতে তিনি সাহস না পান, তাহলে আমি বলবো, তিনি তাঁদের দলের মেম্বারদের পেষনে পড়ে, তাঁদের দলের মেম্বারদের দাবীতে পড়ে, তাদের দলের মেম্বারদের সন্তুষ্ট রাখতে গিয়ে এই বিল এনেছেন। এটা আমাদের জন্য নয়। "তিনি এই বিল প্রত্যাহার করুন" এই বলে আমি এই বিলটা সম্পূর্ণ oppose করছি।

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I find that none of the important points that I raised when I moved the motion for the Bill being taken into consideration, not even one of those points, have been met by the members of the Opposition. Honourable members have only tried to gain cheap publicity by making speeches on this Bill. All I can say is that Mr. Mozammel Huq made our position quite clear and I have nothing further to add.

Mr. JOGESH CHANDRA GUPTA: How do you reconcile your League Policy here in Bengal with the League Policy in the Punjab?

The motion of the Hon'ble Khwaja Sir Nazimuddin that the Bengal Legislative Chambers (Members' Emoluments) Amendment Bill, 1944, as settled in the Assembly be passed, was then put and a division taken with the following result:—

AYES—73.

Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Motaleb Malik, Dr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.

Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Premhari.
Birkmyre, Sir Henry, Bart.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Corstorphine, Mr. E. E.
Das, Rai Sahib Anukul Chandra.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Ferguson, Mr. F. F. M.
Gladding, Mr. D., C.I.E.
Gupta, Mr. J. N.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Mc. Intosh, Mr. G., C.B.E.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Mosiem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Raikut, Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Salim, Mr. S. A.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Thorman, Mr. C. M.
Walker, Mr. J. R.
Yousuf Mirza.
Zaman, Mr. A. M. A.
Zillur Rahman Shah Choudhury, Maulvi.

NOES—46.

Abdul Hafiz, Mr. Mia.
Abdul Majid, Maulvi (Mymensingh).
Abdul Wahed, Maulvi.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Barma, Mr. Puspajit.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Fazlul Huq, Mr. A. K.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Maqbul Hosain, Mr.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Mukherjee, Mr. B.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.

The Ayes being 73 and the Noes 46, the motion was carried.

Adjournment.

The House was then adjourned at 7-18 p.m. till 4 p.m. on Tuesday, the 19th December, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 19th December, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 12 Hon'ble Ministers and 175 members.

Want of quorum.

Mr. SURENDRA NATH BISWAS: Sir, I am afraid there is no quorum.

(After a count was made.)

Mr. SPEAKER: There is quorum.

Starred Question No. 74.

(Starred question No. 74 was called out for further supplementary questions, but none were put.)

UNSTARRED QUESTION

(answer to which was laid on the table)

Questions lying unanswered from previous sessions.

85. Mr. SASANKA SEKHAR SANYAL: Will Mr. Deputy Speaker be pleased to state—

(*a*) the number of questions that are lying unanswered from previous sessions of the Assembly, giving the number for each of such sessions and the date when each such session commenced its sitting;

(*b*) the reasons why a large number of questions have not yet been answered;

(*c*) the steps taken by the Assembly Department for getting these questions answered; and

(*d*) the steps taken for ensuring speedy disposal of questions?

Mr. DEPUTY SPEAKER (Mr. Syed Jalaluddin Hashemy): (*a*) The honourable member is referred to the list of notices of questions pending on the termination of the 18th session of the Bengal Legislative Assembly prorogued on the 23rd June, 1944, which has been circulated to all members.

(*b*) The matter rests entirely with the Administrative departments concerned.

(*c*) and (*d*) With the announcement of a session reminders are sent to Administrative departments.

STARRED QUESTIONS

(to which oral answers were given)

Trade disputes between employers and workmen of certain Tea Estates in Chittagong district.

***165. Mr. B. MUKHERJI:** Will the Hon'ble Minister in charge of the Labour Department be pleased to state—

(*a*) whether it is a fact that the trade dispute between the employers of the Kaiyachara, Datmara, Naptune and Chandranagor Tea

Estates and the Daloo Tea Garden in the Chittagong District and the workmen employed by them, was settled by an Order of the Governor, dated the 16th December, 1943;

(*b*) whether it is a fact that, though the said Order was binding in effect according to the provisions therein, the employers of the Tea Estates concerned have consistently refused to observe the terms and conditions of employment laid down in the said Order;

(*c*) whether it is a fact that the Government has failed to prosecute the said employers for their abovementioned breach of rule 81A of the Defence of India Rules, despite numerous representations on behalf of the workers, and if so, why;

(*d*) what action the Government intends to take against the said employers;

(*e*) the reason why they should not be prosecuted for violation of the said order;

(*f*) whether the Hon'ble Minister is aware that on the 19th September, 1944, the Manager of the Chandranagor Tea Company, Ltd., has issued a notice to the workmen summarily evicting them from their barracks on the plea that they are not working, and has alternatively demanded their signatures on a bond stating that they are neither members of the Chittagong Cha-Bagan Mazdur Union, nor have any connection with it;

(*g*) whether the Government propose to take immediate steps to secure (*i*) withdrawal of the said notice and bond; (*ii*) unconditional readmission into the gardens of all workers who may have been evicted under the said notice; (*iii*) the re-opening and normal working of the Tea Estates and Gardens involved in the said dispute; and (*iv*) full implementation of the terms and conditions of employment as laid down in the said Order of 16th December, 1943?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (*a*) and (*b*) Yes.

(*c*) Complaints have been lodged against the managers of three tea estates and the Managing Agents.

(*d*) and (*e*) Do not arise.

(*f*) A complaint was received from the Chittagong Cha-Bagan Mazdur Union on the 27th September, 1944, that an effort was being made to open the gradens which were closed so long and that some agents of the employers were collecting thumb impressions from the workers binding them to resign their membership from the Union as a condition for employment but no complaint of eviction from any quarters has so far been received. The District Magistrate, Chittagong, is being asked to enquire and report.

(*g*) The matter is under consideration awaiting reports from local officers.

Mr. DHIRENDRA NATH DATTA: With reference to answer (*f*) where it is stated that "the District Magistrate is being asked to enquire and report", will the Hon'ble Minister be pleased to state when the District Magistrate is expected to enquire and report?

The Hon'ble Mr. K. SHAHABUDDIN: It is very difficult to say the exact date. Just before coming here I made enquiries and learnt that no reply has yet been received from the District Magistrate.

Mr. DHIRENDRA NATH DATTA: How long the matter is hanging? I want to know that.

The Hon'ble Mr. K. SHAHABUDDIN: I am not in a position to give the date.

Applications made by Trade Unions for adjudication under rule 81A of the Defence of India Rules.

*166. **Mr. B. MUKHERJI:** Will the Hon'ble Minister in charge of the Labour Department be pleased to state—

(a) how many applications for adjudication under rule 81A of the Defence of India Rules have been received by the Labour Department from registered Trade Unions during the period from 1st January, 1944, up to date;

(b) in how many cases of the said applications orders for adjudication have actually been passed;

(c) for what reasons orders have been withheld in the remaining cases;

(d) by what principles, if any, Government is guided in the matter of passing or withholding orders for adjudication;

(e) whether the Hon'ble Minister is aware that a large number of applications for adjudication of trade disputes are in the Government's possession for long periods of time; and

(f) what he proposes to do to expedite passing of orders on the said applications?

The Hon'ble Mr. K. SHAHABUDDIN: (a) 45.

(b) 19.

(c) Seven cases have been settled by conciliation. In 13 cases an effort is being made to settle by conciliation. The remaining 6 cases are under the consideration of Government.

(d) A trade dispute is referred for adjudication when an effort for settling by conciliation fails and adjudication is considered necessary for the maintenance of public order or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community.

(e) Please see (c) above.

(f) Orders on the pending cases will be passed as soon as possible. They are being examined with the greatest possible expedition.

Redress of grievances of skilled workers in engineering concerns of the Province.

*167. **Mr. B. MUKHERJI:** Will the Hon'ble Minister in charge of the Labour Department be pleased to state—

(a) whether he is aware of the large number of unjustified dismissals, harassments, restrictions, etc., of skilled workers in the engineering concerns of the Province, as a result of the amendments to section 13 of the National Service Technical Personnel Ordinance of 17th July, 1943, and the Order thereon by the Chairman, National Service Labour Tribunal (Bengal) of 3rd January, 1944;

(b) whether he is aware of the widespread resentment among technical workers of the said regulations, and repeated representations regarding the same by numerous Trade Unions;

(c) why the National Service Labour Tribunal, Bengal, has failed to deal promptly with hundreds of complaints on the score of the said regulations, and has failed to take action against unjustified dismissals, etc.;

(d) whether the Government is prepared to—

(i) press for the withdrawal of the said amendment;

(ii) ensure prompt inquiry and action by the Tribunal into all cases of complaint; and

(iii) grant adequate facilities for the association of Labour representatives with the work of the Tribunal?

The Hon'ble Mr. K. SHAHABUDDIN: The National Service Labour Tribunal is under the administration of the Central Government. I am not responsible for its administration and therefore unable to answer the question.

Mr. DHIRENDRA NATH DATTA: Does the Government consider the desirability of referring these complaints to the Central Government for redress?

The Hon'ble Mr. K. SHAHABUDDIN: I can send a copy of the question and answer to the proper authorities.

Scheme for utilisation of waterfalls in Garo Hills of Assam for developing hydro-electric power.

***168. Maharaja BHUPENDRA CHANDRA SINCHA, of Susang:** Will the Hon'ble Minister in charge of the Commerce, Labour and Industries (Post-War Reconstruction) Department be pleased to state—

(*a*) whether any scheme for utilising the waterfalls in the Garo Hills of Assam for developing hydro-electric power is under their contemplation; and

(*b*) whether the Government of Assam has been approached by the Government of Bengal in this connection?

The Hon'ble Mr. K. SHAHABUDDIN: (*a*) No such scheme is under contemplation, but the Electricity Sub-Committee of the Post-War Reconstruction Committee has reported that it might be possible to work out a scheme of hydro-electric power development in the area in question. Government have under consideration a proposal to appoint some highly qualified power engineers to work out the details of this and other schemes.

(*b*) Does not arise until the details of the scheme have been worked out. The Government of Assam will be approached in due course.

Dr. NALINAKSHA SANYAL: With reference to the Post-War Reconstruction Committee, Sub-Committee, will the Hon'ble Minister be pleased to state whether any recommendation has been made by that Sub-Commitee regarding hydro-electric power station in or near about the area which would not require any reference to any other Government?

The Hon'ble Mr. K. SHAHABUDDIN: Sir, I will refer the honourable member to my answer to question (*a*) where I have admitted that such a reference has ben made by the Sub-Committee and that Government is only waiting for the appointment of these officers to take up the preparation and examination of the scheme.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what step has Government taken so far to proceed with the appointment of technical experts?

The Hon'ble Mr. K. SHAHABUDDIN: I can assure my honourable friend that the proposals have passed the difficult stage and now definite steps will be taken for their appointment.

Dr. NALINAKSHA SANYAL: Is it a fact that the Member in charge of Post-War Reconstruction, Government of India, has felt great disappointment at the manner in which the Bengal Government have proceeded with post-war schemes?

The Hon'ble Mr. K. SHAHABUDDIN: I submit, Sir, that it does not arise strictly from this question, but as far as the electricity question is concerned, there was no such feeling expressed.

Dr. NALINAKSHA SANYAL: Is it a fact that the Government of India may not be in a position to put into the priority list of suplies of electricity plant, unless the Government of Bengal put forward their demand or requirement at an early date?

The Hon'ble Mr. K. SHAHABUDDIN: With great respect I submit that this question does not arise out of this.

Mr. SPEAKER: The whole thing is this. You have admitted that certain recommendations have been made with regard to these appointments. He wants to know with regard to that.

The Hon'ble Mr. K. SHAHABUDDIN: No, Sir, that recommendation is about a particular scheme, and not about plants and machinery.

Dr. NALINAKSHA SANYAL: Why fence with words, why not admit that you have failed?

The Hon'ble Mr. K. SHAHABUDDIN: Now, you see my point, Sir.

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, apart from the Garo Hills any survey has been made or proposed to be made of the Chittagong Hill Tracts entirely lying within the Province of Bengal to enable hydro-electric power development with torrential water-flow therein including the Karnafuli river?

The Hon'ble Mr. K. SHAHABUDDIN: No comprehensive survey has been taken up recently except by the Sub-Committee of the Industrial Survey Committee, but I may inform my honourable friend that my proposal is to immediately appoint 3 power engineers of a very high order who would take up not only the investigation but the preparation of the schemes also. My proposal is nearing completion and I hope I will be able to appoint the officers very soon.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what machinery the Government of Bengal is adopting or proposing to adopt to select the proper type of technical experts in connection with the survey of hydro-electric schemes and other electricity schemes in Bengal?

The Hon'ble Mr. K. SHAHABUDDIN: The usual method of recruiting such officers will be followed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the usual method?

The Hon'ble Mr. K. SHAHABUDDIN: Advertisement both here and abroad. In such cases I think it will be necessary to advertise abroad also.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that with a view to advising the Government of Bengal as well as the Government of India in connection with the Damodar Embankment dam and hydro-electric power possibilities an officer has already been selected and he is on his way to India if he has not already arrived.

The Hon'ble Mr. K. SHAHABUDDIN: It may be so, but that does not concern the appointment of the 3 officers that I have mentioned.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the appointment of other technical experts than the one already appointed or proposed to be appointed is under contemplation?

The Hon'ble Mr. K. SHAHABUDDIN: I propose to appoint 3 officers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what would be the respective qualifications of these 3 officers?

The Hon'ble Mr. K. SHAHABUDDIN: Detailed qualifications have not yet been fixed. As I said, we want very highly qualified people for this work.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what would be considered to be high qualifications for such officers?

The Hon'ble Mr. K. SHAHABUDDIN: Detailed qualifications have not been fixed yet.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what would be the detailed qualifications in the estimate of Government?

The Hon'ble Mr. K. SHAHABUDDIN: They will be fixed by Government after obtaining suitable advice

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whose advice would the Government obtain?

The Hon'ble Mr. K. SHAHABUDDIN: Persons competent to advise the Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who are the competent persons to advise our Minister in the matter?

(No. answer.)

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if it is not proposed to consult the Government of Assam until the Engineers have been appointed and the details of the schemes worked out?

The Hon'ble Mr. K. SHAHABUDDIN: No, not at the present moment till the officer is there to consult and advise Government in the preparation of the schemes.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state how long will it take until the Engineers have been appointed and the details of the schemes worked out?

The Hon'ble Mr. K. SHAHABUDDIN: It is very difficult to give any idea of the time. It depends on the appointment of the officer and the work that he will be doing.

Mr. A. F. STARK: Is it not proposed to approach the Government of India until these Engineers have been appointed and the details of the schemes worked out?

The Hon'ble Mr. K. SHAHABUDDIN: We may consult the Government of India and ask them, if we find that it will take a long time to appoint such officers, to lend us a competent officer to undertake this work.

Functions of Special Officer, Jute Prices, Bengal.

*169. **Mr. GIASUDDIN AHMED:** Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(a) the functions of the Special Officer recently appointed by the Government, for regulating the price of jute in Bengal;

(b) how many important jute centres he has visited; and

(c) the present price of jute in Tala and Patkilghata, Kapilmuni and Chukuagar centres in the district of Khulna?

The Hon'ble Mr. K. SHAHABUDDIN: (*a*) The functions of the Special Officer, Jute Prices, Bengal, as determined at present are (1) intimation of daily prices of loose jute in Calcutta to selected mufassal centres in Bengal, report of prices being actually received by the grower in mufassal; (2) organisation of jute grading parties in the mufassal with a view to acquaint the growers with the standard assortments and grades in which jute is sold at the *kutcha* baling centres; (3) organisation of experimental warehouses and jute sale societies; and (4) to watch the jute market generally and suggest to Government measures he considers necessary to take with a view to safeguard the interests of the growers.

(*b*) Nineteen so far.

(*c*) The prices at Kapilmuni and Chukuagar are reported to be as follows:—

	Top.	Middle.	Bottom.
	Rs. a.	Rs. a.	Rs. a.
Kapilmuni	13 0	12 0	7 0
Chukuagar	12 8	11 8	7 0

At Tala and Patkilghata no graded jute is sold; the average price is Rs.9 to Rs.10 a maund.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when this Special Officer, Jute Prices, has been appointed and what has been the salary fixed for the same?

The Hon'ble Mr. K. SHAHABUDDIN: He is a Bengal Civil Service man, who was appointed about 6 months ago. I am not in a position to give the exact date. He is getting his usual grade pay and usual allowance.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the newly constituted Publicity Department of the Government of Bengal could not be utilised for disseminating information regarding prices of jute as was stated to be one of the functions of that body?

The Hon'ble Mr. K. SHAHABUDDIN: I am glad that my friend has asked that question. They are being utilised for this purpose.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Inspectors and Assistant Inspectors and other agencies of the Jute Regulation Department are in any way entrusted with any functions connected with the organisation of jute grading parties, the organisation of experimental warehouses and watching the jute markets generally?

The Hon'ble Mr. K. SHAHABUDDIN: Jute Regulation Officers are closely associated with this work. The price disseminating centre is entirely manned by them and in other respects also their help is taken.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Indian Central Jute Committee constituted by the Government of India with the co-operation of the Government of Bengal also collects jute prices from the mofussil from week to week and disseminates information about the course of jute prices?

The Hon'ble Mr. K. SHAHABUDDIN: Yes, Sir, the Indian Central Jute Committee has about 130 centres whereas we have got now, as I said the other day, 690 centres, and I expect that by the next working season we would raise the number of centres to 2,000.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell the House how many jute grading parties have been organised as yet?

The Hon'ble Mr. K. SHAHABUDDIN: The other day I said that so far very few parties we have been able to organise. I think the total number

actually working is 13; during this season, I am speaking from memory, it may go up to 25 and during the next season we expect to increase the number to 100.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state where they have been organised?

The Hon'ble Mr. K. SHAHABUDDIN: I want notice.

Expenditure in connection with "Food Drive" in Bengal.

***170. Khan Bahadur SHAH ABDUR RAUF:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) what expenditure has been incurred by the Government in connection with the recent "Food Drive" in Bengal;

(*b*) whether there has been any fall in the prices of rice and paddy on average, as a result of the drive; and

(*c*) if so, to what extent?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The expenditure on account of Travelling Allowance, Contingencies, etc., of the "Food Drive" last June is approximately Rs. 92,316.

(*b*) There was a temporary fall in prices in some areas for a short period.

(*c*) As the prices of rice and paddy fluctuated violently it is impossible to estimate the average fall in prices.

Conference about distribution of kerosene oil in 24-Parganas.

***171. Khan Bahadur JASIMUDDIN AHMED:** (*a*) Is the Hon'ble Minister in charge of the Civil Supplies Department aware of the fact—

(*i*) that there was a conference of officials and non-officials held at the instance of the District Magistrate, 24-Parganas, on the 27th January, 1944; and

(*ii*) that in the said conference the position about the distribution of kerosene oil throughout the district was reviewed?

(*b*) Will the Hon'ble Minister be also pleased to state—

(*i*) whether Government has acquainted itself with the present position of distribution of kerosene oil through the following sources, viz., the District Magistrate, the Subdivisional Officers, Circle Officers and the District Supply Officer, 24-Parganas; and

(*ii*) what steps Government has taken or proposes to take in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) The conference was called at the instance of the Special Officer in charge of Rural Distribution, Department of Civil Supplies.

(*ii*) Yes.

(*b*) (*i*) Periodical reports are received from the District Magistrate who remains in touch with the other officers referred to.

(*ii*) Government, not being satisfied with the more or less uncontrolled system of distribution of kerosene oil by the Oil Companies, promulgated an Order, viz., The Bengal Kerosene Control Order, 1944, the main provisions of which were given in a Press-Note issued on the 16th May, 1944, a copy of which is laid on the Table.

Copy of Press-Note referred to in reply to clause (b) (ii) of starred question No. 171.

CONTROL OF KEROSENE.

GOVERNMENT ORDER WITH LARGER POWERS OVER DISTRIBUTION PROMULGATED.

With a view to controlling the distribution of kerosene in Bengal, the provincial Government have promulgated an Order under the Defence of

India Rules which gives the Director of Civil Supplies and the District Magistrates a larger measure of control over the agents of the different oil companies as well as the dealers and hawkers, says a Bengal Government Press-Note.

This Order provides for the licensing of the agents, dealers and hawkers in Calcutta as well as the mufassal districts. Dealers will be linked to particular agents and hawkers to particular dealers. The monthly quota of each dealer and hawker will be fixed and agents, dealers and hawkers will have to keep detailed accounts of their transactions which will be open to inspection by Government officers. For contravention of the Order as well as of the conditions of the licences issued under the Order, the District Magistrates will have the authority to cancel or suspend the licences of dealers and hawkers in addition to any other action that may be taken against the delinquent by the law courts.

A quantity of kerosene ordinarily not exceeding 10 per cent. of the monthly quota released by the oil companies for sale in a district, will be set apart for distribution by permits to consumers whose needs are adjudged by District Magistrates to be essential. This provision is not intended to be used for supplying the domestic needs of favoured individuals or groups of individuals but only for ensuring supplies to institutions, organisations and firms whose importance to the community as a whole either as a public service or as a public utility concern or as a firm producing munitions, etc., for the purpose of prosecuting the war is unquestioned.

In Calcutta, the Order is being brought into effect from the 16th of May, while in the districts it is expected to be in force by the 15th of June, 1944.

For the present it has been decided to licence in Calcutta only those dealers that have already been recommended by the oil companies. Lists of hawkers have also been supplied by the representative Hawkers' Associations. List of retail dealers and hawkers will be obtainable at the offices of Chief Inspectors of Civil Supplies.

An Advisory Committee has been formed with representatives of consumers as well as of the oil companies to advise the Government on the administration of this Order and on other matters regarding the distribution of kerosene.

An embargo is also being placed on the unauthorised export of kerosene out of the Calcutta area.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that encouraged by the Government's control of kerosene order, paragraph 3, where it is stated that the District Magistrate should earmark a certain percentage of the total quota for the district for essential services, practically every officer under Government including the Jute Regulation Inspectors and Sub-Inspectors, the Publicity Sub-Inspectors, the Subdivisional Organisers and a large host of newly constituted supply officers and Inspectors, each get something like one tin per month for consumption which is substantially decreasing the available supplies for rural areas in the villages?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. I think the information is not correct. It will be seen in paragraph 3 that the provision of ten per cent. is not intended to be used for supplying the domestic needs of favoured individuals or groups of individuals but only for ensuring supplies to institutions, organisations and firms whose importance to the community as a whole either as a public service or as a public utility concern or as a firm producing munitions, etc., for the purpose of prosecuting the war is unquestioned. There is no provision here for giving extra facilities to certain persons about whom the honourable member has spoken. I have no doubt that some of them do probably get more than the average normal individual does, but I do not think there can be so much disparity in the supplies to them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in certain villages of Nadia district, in the subdivision of Meherpur, and in some villages in the Kandi subdivision of the district of Murshidabad the allotment for the whole village is not more than one seer or one and a half seers per month whereas the local inspector of the Jute Regulation Department gets one full tin a month?

The Hon'ble Mr. H. S. SUHRAWARDY: I should be prepared to investigate any such case brought to my notice but I may say at once that it seems somewhat doubtful inasmuch as the proportion of allotment made to each union is on a strictly population basis.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that students and persons like lawyers who have to be engaged in work at night time have not been given special consideration whereas certain Government servants like constables who have no night duty have been allowed special supplies for domestic use not on duty?

The Hon'ble Mr. H. S. SUHRAWARDY: Of course, I must confess that I overlooked the case of lawyers. I have made special mention in my instructions for students and *karigars*, weavers and those who have to work at night but I have forgotten the requirements of lawyers. I shall take that into consideration.

Special Officers in Appointed Retailer Section.

***172. Mr. MD. ABUL FAZL:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) the number of Special Officers in the Appointed Retailer Section of the Civil Supplies Department; and

(*ii*) the number of them that are (1) Hindus, (2) Muslims and (3) others?

(*b*) Is it a fact that—

(*i*) four Inspectors of that section go out on inspection work daily; and

(*ii*) if so, whether they maintain any diary?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of (1) Inspectors and (2) Sub-Inspectors in that Section; and

(*ii*) the number of them that are (1) Hindus, (2) Muslims and (3) others?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) There is no Appointed Retailer Section.

(*b*) and (*c*) Do not arise.

Some essential commodities in stock at Gopalganj.

***173. Mr. SHAMSUDDIN AHMAD KHANDKAR:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state what quantities of rice, *atta*, flour, *bajra*, wheat, *dal*, sugar, salt and kerosene (white and red separately) were in the stock on the 29th February, 1944, at Gopalganj (Faridpur)?

(*b*) Is the Hon'ble Minister aware of any system of rationing introduced at the place by the Subdivisional Relief Committee?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Relief Committee is still functioning and the system of rationing still in force?

(*d*) Will the Hon'ble Minister be pleased to state whether he is aware that articles mentioned in (*a*) were supplied to the pleaders and muktears of the place under the rationing system of the Relief Committee?

(*e*) Will the Hon'ble Minister be pleased to state if he is aware that white kerosene by tins was given to the pleaders and muktears by the present Subdivisional Officer?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the violation of rationing rule?

(*g*) Is the Hon'ble Minister aware that the Gopalganj Co-operative Central Bank got sanction of supply of certain quantities of articles mentioned in (*a*) from the Subdivisional Officer on the 13th January last for its side business?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state whether those articles have been supplied to the Bank?

(*i*) If the answer to (*h*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Stock on the 29th February, 1944, at Gopalganj, Faridpur, is given below:—

(1) Rice—8,446 maunds.
(2) *Atta*—1,063 maunds.
(3) Flour—6,190 maunds.
(4) *Bajra*—14,599 maunds.
(5) Wheat—11,145 maunds.
(6) *Dal*—8,476 maunds.
(7) Sugar—57 bags.
(8) Salt—No Government stock.
(9) Kerosene (white and red)—167 tins red and 125 tins white.

(*b*) to (*e*) Yes.

(*f*) As there was no supply of white kerosene for some time a month's supply was given as a special case to pleaders and muktears when a supply was received. This practice has since been stopped.

(*g*) No.

(*h*) and (*i*) Do not arise.

Purchase of rice by authorities of Arakanese Refugees' Camp at Katabari.

***174. Mr. AHMED HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) whether heavy direct purchases of rice were made locally in the month of January and February last by the authorities of Arakanese Refugees' Camp at Katabari, in the district of Rangpur, in direct contravention of orders issued under the Defence of India Rules; and

(*ii*) whether the matter was brought to the notice of the local authorities and the Government in time?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have taken or propose to take in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) *Heavy* direct purchases were not made locally during January and February last. Certain small emergent purchases were made with the permission of the local authorities.

(*ii*) and (*b*) Do not arise.

Fines imposed for profiteering in foodstuffs.

***175. Mr. ROGERS HAYWOOD:** (*a*) Is the Hon'ble Minister in charge of the Civil Supplies Department aware that instances are occurring in which fines imposed by Magistrates for profiteering in foodstuffs are less than the profit made out of the particular illegal transaction?

(*b*) If so, will the Hon'ble Minister be pleased to state what steps are being taken by Government to ensure that penalities imposed by Magistrates are—

(*i*) of a deterrent nature; and

(*ii*) commensurate with the profit made out of the transaction concerned?

The Hon'ble Mr. H. S. SUHRAWARDY: The attention of the honourable member is drawn to my reply given to Starred Question No. 137 by Mr. J. R. Walker, on the 14th December, 1944.

Mr. ROGERS HAYWOOD: Is the Hon'ble Minister aware that on the 3rd May last a certain Bansidhar Agarwala was fined Rs. 1,000 for selling 110 maunds of sugar at a price of Rs. 35 a maund as against the controlled price of Rs. 16-11-6 pies a maund? In view of the Hon'ble Minister's reply to Mr. J. R. Walker's question on the 14th December, will the Hon'ble Minister give his opinion as to whether he considers this fine as heavy, and, if so, whether he considers it as sufficiently deterrent?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry the honourable member asks for my opinion. I am not permitted to give it.

Constitution of Food Committees and selection of dealers on basis of population of the particular area.

*176. **Mr. UPENDRA NATH EDBAR:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state separately—

(*i*) the number of members in the Bagerhat, Satkhira and Khulna Subdivisional Food Committees;

(*ii*) the number of Scheduled Caste members in each Subdivisional Committee;

(*iii*) the number of dealers, and sub-dealers selected for each subdivision; and

(*iv*) the number of Scheduled Caste dealers, and sub-dealers in each subdivision?

(*b*) Do the Government consider the desirability of constituting the Food Committees and selecting the dealers and sub-dealers on the basis of population of the particular area for which the committees are formed and the dealers and sub-dealers are selected?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) and (*ii*) The number of members in the Subdivisional Food Committees and number of Scheduled Caste members therein, are as follows:—

	Total Number of members.	Scheduled Caste members.
Bagerhat	45	7
Satkhira	25	1
Khulna	32	11

(*iii*) and (*iv*) The number of dealers and sub-dealers and the number of Scheduled Caste dealers and sub-dealers are as follows:—

	Total Number.		Number of Scheduled Caste.	
	Dealer.	Sub-dealer.	Dealer.	Sub-dealer.
Bagerhat	6	20	1	4
Satkhira	14	265	Nil.	17
Khulna	16	372	5	120

(*b*) As far as possible due care has been taken to constitute the committees and select the dealers on the basis of population in every particular area.

Price of rice in certain areas of Chittagong district.

*177. **Maulvi ABDUR RAZZAQ:** (a) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state the price of rice in the mufassal areas of the—

(i) Sadar; and
(ii) Cox's Bazar

subdivisions of the district of Chittagong, during the week ending on the 3rd of June, 1944?

(b) Is it a fact—

(i) that free gruel kitchens have been stopped; and
(ii) that the people are dying of starvation?

(c) Will the Hon'ble Minister be pleased to state—

(i) how many maunds of (1) rice and (2) paddy were requisitioned this year from (A) Sadar and (B) Cox's Bazar subdivisions of the district; and
(ii) what happened to those requisitioned rice and paddy?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) The price of rice during the week in question was—

(i) Sadar subdivision 1¼ to 1½ seers per rupee.
(ii) Cox's Bazar subdivision—1¼ seers per rupee.

(b)(i) Free kitchens have been closed for six months.

(ii) No deaths from starvation have so far been reported.

(c)(i) One lakh maunds of paddy have been requisitioned from Cox's Bazar and thirty thousand maunds of paddy from Sadar. No rice has been requisitioned.

(ii) The quantity is being used in supplying poor families at controlled rates.

Opening of control shops in rural areas of Birbhum.†

*178. **Dr. SHARAT CHANDRA MUKHERJEE:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(a) whether any control shops have been opened in the rural areas of Birbhum;
(b) if so, their number and the materials they deal with;
(c) the number of such shops opened in the urban area stating their places;
(d) the number of them that are for ordinary public;
(e) the number of them that are for public security and essential service men; and
(f) the approximate or specific number of general persons who get advantages of such shops?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes.

(b) 567 including some co-operative and consumers' stores dealing in sugar, kerosene oil, *atta*, flour, *bajra*, wheat, gram and *dal*.

(c) 13 at Suri Municipality in different Wards.

(d) All the 580 shops in the rural and urban areas are for the ordinary public.

(e) Besides the controlled shops, there are three Government Stores and one Police store for the supply of rations to Government servants and the Police force.

(f) About 750,000 persons are served by the controlled shops.

†This question bearing Agenda No. *411 came up before the House to be answered on the 15th June, 1944, but was held over.

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Supply of Hindi Newspaper to security prisoners in Presidency Jail.

86. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) whether any petition or petitions from the security prisoner or prisoners has or have been received by the Government or the Minister concerned asking for Hindi daily newspaper to be given to the security prisoners in the Presidency Jail;

(*ii*) if so, the date when such petitions were received; and

(*iii*) what step, if any, has been taken in respect of the petition or petitions?

(*b*) If no steps have yet been taken, will the Hon'ble Minister be pleased to state the reason thereof?

(*c*) Is it a fact that there are prisoners in the Presidency Jail and in other jails of Bengal who do not know how to read English and Bengali?

(*d*) Is it a fact that no Hindi daily published in Calcutta has been included in the list of approved dailies supplied to the security prisoners?

(*e*) If so, will the Hon'ble Minister be pleased to state the reasons thereof?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) Many petitions on the subject have been received and it is not possible to give all the dates.

(*iii*) to (*e*) So far security prisoners who cannot read English or Bengali were entitled to Hindi or Urdu weekly newspapers only under the rules. It has since been decided to modify the rules so as to provide daily papers for these prisoners and necessary orders in the matter have already issued.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why Hindi daily papers were not supplied to those prisoners stated in question (*c*) so long?

Khan Bahadur MOHAMMED ALI: I cannot say what were the reasons for that rule which was in force previously but this Ministry has modified it and now it is permissible for security prisoners to obtain Urdu or Hindi daily newspapers.

Mr. NISHITHA NATH KUNDU: According to the rules those security prisoners who do not know how to read and write English or Bengali were entitled to receive Hindi weeklies. Why then Hindi weeklies were not supplied to those prisoners?

Khan Bahadur MOHAMMED ALI: Previously those security prisoners who could not read either English or Bengali were supplied with Hindi or Urdu weeklies but the rule has now been changed to permit security prisoners to have Hindi or Urdu dailies.

Mr. NISHITHA NATH KUNDU: Have the Hindi and Urdu dailies been supplied already to the jails of Bengal?

Khan Bahadur MOHAMMED ALI: They are not being supplied as a matter of course. If there is any prisoner who cannot read either English or Bengali, then for that particular prisoner such papers are allowed to be supplied.

Mr. NISHITHA NATH KUNDU: With reference to question (*c*) is it a fact that there are prisoners in the Presidency Jail or other jails who do not know how to read English or Bengali?

Khan Bahadur MOHAMMED ALI: I cannot say whether there are any prisoners or not but the rules have been modified to permit such prisoners who cannot read English or Bengali to have either Urdu or Hindi dailies.

Mr. NISHITHA NATH KUNDU: Have the Hindi papers printed and published in Calcutta been included in the list of Hindi dailies?

Khan Bahadur MOHAMMED ALI: They have been included now.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state with reference to question (*a*)(*i*) whether he actually received any petition from prisoners who do not know how to write English?

Khan Bahadur MOHAMMED ALI: Yes, Sir, petitions were received.

Mr. NISHITHA NATH KUNDU: What steps have the Government taken on those petitions?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the reply given in (*a*)(*iii*) that Government have taken steps to modify the rules. Formerly it was not permissible to supply Hindi or Urdu dailies but now the rules have been modified and now security prisoners can get Hindi or Urdu dailies.

Mr. NISHITHA NATH KUNDU: Are you supplying?

Khan Bahadur MOHAMMED ALI: I presume so.

Mr. I. D. JALAN: Is there any restriction about the papers which they are permitted to get?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Grant of family allowance to Babu Jyotish Chandra Bera, a security prisoner.

87. Mr. ISWAR CHANDRA MAL: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Babu Jyotish Chandra Bera of Contai is detained in the Midnapore Central Jail as a security prisoner since his arrest on the 25th April, 1942;

(*ii*) that the said prisoner had a personal income from his business before his arrest;

(*iii*) that the said prisoner had to maintain his sister-in-law (brother's widow) and her minor son;

(*iv*) that the widow and the minor child had no other source than the personal income of the said prisoner;

(*v*) that the widow with the minor child has been forced to become the unnecessary burden after the great cyclone to her brother who is very poor;

(*vi*) that the last cyclone and the flood have aggravated the misery of the aforesaid dependants of the said prisoner;

(*vii*) that the said prisoner applied to the Government on the 13th September, 1943, followed by reminders on the 7th October, 1943, 25th November, 1943, and to the Hon'ble Minister on the 24th September, 1943, and 25th November, 1943?

(*b*) If the replies to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether any steps have been taken on the petitions; and

(*ii*) whether the Government contemplate to grant a suitable monthly allowance to the widow sister-in-law of the said prisoner?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*vii*) Yes.

(*ii*) to (*iv*) and (*b*) (*ii*) No.

(*v*) The widow sister-in-law is reported to have 20 *bighas* of land, the income from which is sufficient for the maintenance of herself and her minor son.

(*vi*) The prisoner has no dependants.

(*b*) (*i*) The prayer for family allowance has been rejected by Government after due consideration.

Cattle-lifting in and around Krishnagar.

88. Sj. ASHUTOSH MULLICK: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that there have been numerous cases of cattle-lifting in and around Krishnagar town within the last few months;

(*ii*) that the police of the locality pleads overwork and helplessness in detecting such crimes for want of special staff; and

(*iii*) that an application on behalf of the sufferers has been made to the Subdivisional Officer, Krishnagar?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what steps have been taken thereon; and

(*ii*) what has been the result?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether it is a fact that there are several ex-convicts in and around the village of Baruihuda, police-station Krishnagar, where cattle-lifting has occurred in large number;

(*ii*) whether the Government propose—

(1) to depute special staff to detect and prevent the crime by binding down the suspects and levying collective fines; and

(2) to keep a special eye on the exporters of cattle who pass through Krishnagar to Calcutta with their herds and on the local butchers, who are suspected of buying some of the stolen cattle?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) No.

(*iii*) Yes.

(*b*) (*i*) The application mentioned 7 cases occurring in course of 12 months. On enquiry all were found to be cases of cattle straying and found missing, and nobody was actually suspected of stealing. The town and the rural police have been directed to be on the look-out for stray cattle and to inform the thana whenever any are found. On receipt of such information proper publicity is given and efforts are made to find the owner of such missing cattle.

(*ii*) None of the stray cattle mentioned in the petition have been traced up to date.

(*c*) (*i*) Yes.

(*ii*) (1) No.

(2) No cattle exporter or butcher has been suspected of buying any stolen cattle. This question therefore does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer "no" to question (*a*), will the Hon'ble Minister be pleased to state what are the total number of cases of cattle-lifting in and around Krishnagar town within the last few months?

Khan Bahadur MOHAMMED ALI: I have already replied that there were only 7 cases.

Dr. NALINAKSHA SANYAL: That refers to one petition from one village. What was the total number of missing cattle or cattle-lifting in and around Krishnagar town?

Khan Bahadur MOHAMMED ALI: In the course of last 12 months I think 4 cases of cattle-lifting and 4 cases of missing cattle in and around the Krishnagar town and Baruihuda village were reported to the thana.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that the local police pleaded helplessness as was asked in question (*a*)(*ii*) and has there been any record in possession of Government showing that the police wanted special strengthening if such investigation was required of them?

Khan Bahadur MOHAMMED ALI: No, Sir, the local police did not plead helplessness. On the contrary they thought that no step was necessary because such cases were not numerous and they were mostly cases of stray cattle and not of lifting.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the contents of the application, if he has got it, made to the Subdivisional Officer, Krishnagar, in this connection by the sufferers?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that some of the cattle reported to have been missing and lost were found missing in the morning from the owners' cattle shed?

Khan Bahadur MOHAMMED ALI: I am afraid it is not possible for me to give details of particular cases.

Gazetted and non-gazetted staff in the Directorate of Civil Supply.

89. Sj. ASHUTOSH LAHIRY: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to lay on the Table a statement showing separately on the 30th March and 30th May, 1943—

(*i*) the names of (1) I.C.S. Officers, (2) B.C.S. Officers and (3) Subordinate Civil Service Officers in the Directorate of Civil Supply;
(*ii*) duties allotted to each of them; and
(*iii*) the amount of salary drawn by each;
(*iv*) the number of clerical and other staff; and
(*v*) total salary paid to such staff on the above dates?

The Hon'ble Mr. H. S. SUHRAWARDY: Statements for March and May, 1943, are laid on the Library Table.

Fixation of quotas for paper supply.

90. Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state—

(1) whether quotas have been fixed—
(A) of paper as produced by mills in Bengal, and
(B) of paper imported from outside the Province for allotment for purposes of—
(*a*) Government of Bengal,
(*b*) Semi-Government institutions,
(*c*) Public Bodies,
(*d*) Landlords,
(*e*) Educational institutions,
(*f*) students of (*i*) Colleges, (*ii*) schools, (*iii*) other institutions, and

(*g*) Public;

(2) if so, what are the quotas for each of the abovementioned bodies and persons;

(3) whether purchases are permitted in the open market or on permits;

(4) if on permits—

(*a*) what are the authorities to grant permits for each of the abovementioned bodies and persons;

(*b*) what are the conditions and formalities such body or person has to comply before a permit is issued; and

(*c*) what, if any, are the restrictions on such purchases;

(*d*) which are the firms or authorities set up to honour the permits in the different local limits—(*i*) Calcutta, and (*ii*) mufassal;

(*e*) what are the rates of price of different kinds of paper for purchase—(*i*) wholesale and (*ii*) retail, and

(*f*) what are the minimum and maximum quantities for sale—(*i*) wholesale and (*ii*) retail?

The Hon'ble Mr. K. SHAHABUDDIN: (1) (A) Yes.

(B) Yes [on Paper Controller's (India) Orders].

(B) (*a*) Yes.

(B) (*b*) to (*g*) On instructions from Paper Controller, Government of India, paper will be allotted to priority consumers, i.e., (1) Public utility companies, (2) manufacturers of food requiring wrapping paper or containers of paper and board, (3) Firms engaged on essential War Services, (4) banks and insurance companies, (5) educational institutions, and (6) industries engaged on essential supplies for civilian population. Paper will also be allotted to publishers, newspapers, printers and Account and exercise book manufacturers in accordance with returns shortly to be received from Paper Controller, India. Such supplies will be based on the restrictions contained in Paper Control (Economy) Order, 1944.

(2) *See* replies to (B) (*b*) to (*g*) above

(3) When provincial control is in operation purchases of paper by priority and registered consumers will be by a system of licences and permits.

(4) (*a*) Permits and licences will be issued by Special Officer, Paper Control.

(*b*) Application to abovementioned officer.

(*c*) Restrictions imposed will depend on the class of applicant, i.e., the degree of importance of the requirements, and on the fixed allotment made by control.

(*d*) Mills, agents, distributors and dealers registered with the Special Officer, Paper Control.

(*e*) Reference is invited to the Paper Price Control Order, 1944, Paper Control (Prices of Board) Order, 1944, Paper (Prices of imported paper) Control Order, 1944, copies placed on Library Table.

(*f*) These will be governed by the supplies available.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state in answer to question (*a*) who is entitled to grant permit or licenses in the district towns as well as in the subdivisional towns?

The Hon'ble Mr. K. SHAHABUDDIN: Yes, Sir, the Control Order will apply throughout the province.

Mr. DHIRENDRA NATH DATTA: That is not my question. My question is who is the Special Officer who issues permits?

The Hon'ble Mr. K. SHAHABUDDIN: The Special Officer, Paper Control, Bengal.

Mr. DHIRENDRA NATH DATTA: Even in the case of an individual member coming from the district or subdivision, will he have to make application to the Special Officer here?

The Hon'ble Mr. K. SHAHABUDDIN: The necessary machinery is being set up.

Mr. DHIRENDRA NATH DATTA: I want to know whether an individual member intending to purchase paper is to make application to the Special Officer here in Calcutta?

The Hon'ble Mr. K. SHAHABUDDIN: Yes, Sir, at present.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please consider the desirability of appointing officers in the subdivisional and district towns so that the institutions of the district do not suffer for want of paper?

The Hon'ble Mr. K. SHAHABUDDIN: Proposals to that effect are under consideration.

Acquirement of lands at Thakurgaon police-station in Dinajpur.

91. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that lands have been acquired for military purposes at Sibganj and neighbouring mauzas in police-station Thakurgaon in Dinajpur?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when these lands were acquired;
(*ii*) whether compensation has been all paid off;
(*iii*) if not, why not;
(*iv*) whether some lands have been permanently made unfit;
(*v*) if so, whether any of the owners of such lands has been paid any permanent compensation;
(*vi*) if not, why not;
(*vii*) whether any one in the area has been paid anything in advance because of the long delay made in paying off the compensation;
(*viii*) if not, why not;
(*ix*) whether the owners or occupiers submitted any petitions to the Collector, Dinajpur, and the Commissioner of Rajshahi Division;
(*x*) if so, when; and
(*xi*) what actions have been taken on those petitions?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that owners and occupiers in the Parbatipur area have been paid an advance sum towards the actual compensation; and
(*ii*) that the Government under the signature of the then Secretary, Mr. B. R. Sen, I.C.S., issued circulars for making early payments of compensation and in case of delay advance payment of 80 per cent. of the compensation in consideration of the hardship of the owners and occupiers caused by such acquisition;
(*iii*) that residential houses, gardens and paddy lands have been acquired in the Sibganj area;
(*iv*) that no compensation for these has been paid as yet; and
(*v*) that areas which were acquired about 3 years back have not been even finally measured for the preparation of accounts for determination of compensation?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): It is regretted that this information cannot be supplied in the interests of security.

Mr. NISHITHA NATH KUNDU: With reference to question (c)(ii) will the Hon'ble Minister be pleased to explain how he cannot reply that question when Mr. B. R. Sen published a circular to the effect mentioned in the question?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have already stated, for the sake of public security I am not in a position to disclose the information.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that similar questions were replied by the Hon'ble Minister in detail in the same House previous to this?

The Hon'ble Mr. TARAK NATH MUKERJEA: I do not exactly remember.

Mr. NISHITHA NATH KUNDU: Is it the intention of Government to harass those persons whose lands and houses and gardens have been occupied and only to show to the public that they are feeling for them they publish circulars that are not given effect to?

Mr. DEPUTY SPEAKER: How does that question arise?

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister think it desirable to give effect to the circular that Government published to show that they are sympathetic towards persons whose lands, houses and gardens were acquired?

The Hon'ble Mr. TARAK NATH MUKERJEA: To remove a misapprehension, may I take the House into confidence and make a statement, Sir?

Mr. DEPUTY SPEAKER: Yes.

The Hon'ble Mr. TARAK NATH MUKERJEA: Various properties both movable and immovable were requisitioned in different parts of the country for various purposes. The requisitions had to be made often and at a very short notice and——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Are we going to have a speech allowing a debate on this because here it is a specific question with regard to a particular area in Thakurgaon police-station in Dinajpur district. If the Hon'ble Minister is going to give us a harangue——

Mr. DEPUTY SPEAKER: He is not going to do that.

Dr. NALINAKSHA SANYAL: If he is going to give us a harangue on the general policy of Government, we should be in a position to ask questions on the particular question *in extenso*.

Mr. DEPUTY SPEAKER: I shall decide that on the merits of the question.

Mr. NISHITHA NATH KUNDU: Are we to take it that Government do not propose to make any payment to these persons who are suffering a lot, though there is a specific circular to make advance payment of 80 per cent. of the calculated compensation?

The Hon'ble Mr. TARAK NATH MUKERJEA: I was just going to answer that, but unfortunately Dr. Sanyal intervened. The requisitions had to be made often and at a very short notice, and admittedly it has not always been possible to pay compensation very promptly. For such delays, the people are themselves partially responsible as in many cases the claims were found to be unfounded and even inflated. The assessing authorities had therefore to examine the claims very carefully. Government have since issued instructions covering these matters and the people should have no more genuine grounds for complaint. Let me assure the

House that if any complaint is received by Government, it will be thoroughly scrutinised, fully enquired into and every effort will be made to remedy this.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether in the instruction that has been issued by Government the rate of compensation has been mentioned?

The Hon'ble Mr. TARAK NATH MUKERJEA: As regards rate of compensation, no definite policy has been laid down. The situation is quite different in different places, and each case has to be considered on its own merits.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether in the instruction that has been issued different rates have been mentioned for different places?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have already stated, if any specific case is brought to our notice, it will certainly be enquired into.

Mr. DHIRENDRA NATH DATTA: I want to know if in the instruction that has been published different rates of compensation have been mentioned for different places.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I have nothing further to add. As I have said, each case will be considered on its own merits.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether Government are thinking to give effect to their own circular, namely, to make payment in advance of 80 per cent. of the compensation, because of the answer which the Hon'ble Minister just now gave, namely, for some formalities they take some time to ascertain the amount of compensation. In view of that answer, will the Hon'ble Minister please state whether Government propose to give effect to the circular, namely, payment of 80 per cent. in advance of the compensation?

The Hon'ble Mr. TARAK NATH MUKERJEA: Effect is being given to this circular as far as it is possible and practicable.

Mr. NISHATHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why, in this case of acquisition, though acquisition took place about 2½ years ago no compensation nor any advance has been given as yet?

The Hon'ble Mr. TARAK NATH MUKERJEA: I will enquire into the matter.

Constitution of local bodies.

92. **Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the names of the (A) Municipalities and (B) District Boards in the Province that had their general elections held during 1942, 1943 and 1944, showing the dates of the election in each case;

(*b*) the dates on which the nominations of members by the Government for each of such local bodies were published; and

(*c*) the cause of delay, if any, in the appointment of nominated members in each case?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) and (*b*) A statement is laid on the Library Table.

(c) Difficulties in reaching a decision as to the most suitable persons for appointment.

Dr. NALINAKSHA SANYAL: With reference to the answer and the statement laid on the Libaray table, will the Hon'ble Minister in charge —I don't find him in the House—be pleased to state what is the function exercised by the Chief Whip of Government who, as stated in the answer, appears to be responsible for the delay in most of the cases in holding up nominations to local bodies?

Khan Sahib HAMIDUDDIN AHMAD: It is the policy of Government to refer nomination matters to the Chief Whip and to get his opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what machinery has been set up by the Chief Whip of Government to ascertain the eligibility or desirability of nominees of Government?

Khan Sahib HAMIDUDDIN AHMAD: It is known to the public that the Chief Whip has got a say in these matters, and any person having an interest in any case may make a representation to the Chief Whip who makes proper enquiries and gives his opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what he considers to be the minimum contribution to the party fund to enable the Chief Whip – –

Mr. ABDULLA-AL MAHMOOD: That question does not arise.

Dr. NALINAKSHA SANYAL: Why? I want to know what is the minimum contribution required to the party fund or other funds to enable the Chief Whip to give his approval to a nominee.

Mr. ABDULLA-AL MAHMOOD: Sir, we object to this question.

Khan Sahib HAMIDUDDIN AHMAD: It may be the case with the previous Government but not with this Government.

The Hon'ble Mr. H. S. SUHRAWARDY: It is scandalous.

Mr. JOGESH CHANDRA GUPTA: What is scandalous?

The Hon'ble Mr. H. S. SUHRAWARDY: The suggestion is scandalous.

Dr. NALINAKSHA SANYAL: Yes, the practice is scandalous.

Khan Sahib HAMIDUDDIN AHMAD: Not of this Government but of the late Government.

Dr. NALINAKSHA SANYAL: May I know since when has the practice been established or allowed to be developed to refer nomination cases to the Chief Whip of Government before the nomination is accepted by Government?

Khan Sahib HAMIDUDDIN AHMAD: Not by this Government; it may be that it has been introduced by the previous Government.

Dr. NALINAKSHA SANYAL: When?

Khan Sahib HAMIDUDDIN AHMAD: I cannot give you the actual time.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us if affiliation to the Muslim League is the minimum qualification to be appointed a member of a local body?

Khan Sahib HAMIDUDDIN AHMAD: No.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the previous Government had actually no office of Chief Whip and no record was kept?

Khan Sahib HAMIDUDDIN AHMAD: We have nothing on record to show which cases were referred by the previous Government to the Chief Whip.

Dr. NALINAKSHA SANYAL: Who was the Chief Whip of the previous Government referred to?

Khan Sahib HAMIDUDDIN AHMAD: Mr. Yousuf Mirza. He was the Chief Whip of the previous Government party.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why the nomination to the Noakhali District Local Bodies is not yet published, although the election has been held as early as February, 1944?

Khan Sahib HAMIDUDDIN AHMAD: It is not yet too late.

Dr. NALINAKSHA SANYAL: From February, 1944, to December, 1944, is not too late?

Khan Sahib HAMIDUDDIN AHMAD: The recommendations of the local bodies reached Government late.

Dr. NALINAKSHA SANYAL: When did they come please?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: With reference to the statement laid on the table, will the Hon'ble Minister be pleased to state what is meant by "undue reference to the Chief Whip" as stated against item 48 relating to the Pirojpur Municipality of which the election was held on the 2nd December, 1943, and the nomination is not yet published? The answer is stated as "undue reference to the Chief Whip". What is meant by that?

Khan Sahib HAMIDUDDIN AHMAD: It may be a printing mistake.

Dr. NALINAKSHA SANYAL: Then is it undue interference?

Khan Sahib HAMIDUDDIN AHMAD: No, it is a printing mistake.

Dr. NALINAKSHA SANYAL: Which is a printing mistake? Should it be undue interference or undue reference?

Khan Sahib HAMIDUDDIN AHMAD: It should be only reference.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether he could refer to any particular record during the regime of the last Government when reference was made to the Chief Whip in the case of nominations to local bodies?

Khan Sahib HAMIDUDDIN AHMAD: I can make an enquiry and let my friend know about it.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to consider the desirability of placing on the Library table copies of those records?

Khan Sahib HAMIDUDDIN AHMAD: If my friend puts another question, we shall try to answer it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in connection with nomination or announcement of nomination to the Azimganj-Ziaganj Municipality, a large sum of money was actually demanded and paid by a section which ultimately received the nomination?

Khan Sahib HAMIDUDDIN AHMAD: It is entirely false.

Mr. ATUL CHANDRA SEN: From the answer just now given by the Hon'ble Minister in reply to my question, do I understand him to say that no reference was made to those records in making the statement he made on the floor of the House?

Khan Sahib HAMIDUDDIN AHMAD: I don't think that any reference was made to those records.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any change has been effected by the Government through the intervention of the Chief Whip as referred to in the answer from the original recommendation of the District Officer and the Commissioner of the Division?

Khan Sahib HAMIDUDDIN AHMAD: Does the honourable member want me to cite any particular case or cases?

Dr. NALINAKSHA SANYAL: Any case.

Khan Sahib HAMIDUDDIN AHMAD: In some cases there has been some change.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in the case of Azimganj-Ziaganj Municipality there has been any change effected from the recommendation of the local officials?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the previous Government had circularised all district officials asking them to consult the local M.L.A's. representing those particular constituencies before sending up their nominations?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware of that.

Dr. NALINAKSHA SANYAL: Has the present Government withdrawn that circular which requires every District Officer to consult the local M.L.A's. concerned in the constituency or area before making up his mind regarding nominations?

Khan Sahib HAMIDUDDIN AHMAD: No circular has been issued by this Government. We do not know whether any circular has been issued by the previous Government.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that all the M.L.A's. including the Hon'ble Minister who was then merely a member received a circular from the Local Self-Government Department and that the circular was gazetted to the effect that before sending up nominations the local M.L.A.'s should be consulted by the District Officials during the time of the last Ministry in 1942?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered this question.

STARRED QUESTION

(to which oral answer was given)

Lady assistants and officers of offices of Controller of Rationing, Calcutta.

Dr. NALINAKSHA SANYAL: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) how many lady assistants and officers are employed in the offices of the Controller of Rationing, Calcutta;

(*ii*) how many of them are—

(A) Muslims,
(B) Hindus, and
(C) Other communities;

(*iii*) how many male assistants and officers are employed in the offices of the Controller of Rationing, Calcutta;

(*iv*) how many of them are—

(A) Muslims,
(B) Hindus, and
(C) Other communities; and

(*v*) whether it is a fact that a few of the superior officers of the office of the Controller of Rationing, Calcutta, have taken and are still taking active interest in—

(1) the establishment of mixed club for male and female assistants and officers of the said office and

(2) enforcing enrolment of the lady assistants as members thereof?

(*b*) If the answer to (*a*) (*v*) be in the affirmative, will the Hon'ble Minister be pleased to state if any complaint has been received by any officer of the Department of Civil Supplies regarding the establishment of the said club or regarding the behaviour of the male assistants to the female assistants?

The Hon'ble Mr. H. S. SUHRAWARDY: The position in June, 1944, was as follows:—

(*a*) (*i*) Lady assistants	98
Lady Officer	Nil.
(*ii*) Lady assistants—	
(A) Muslims	4
(B) Hindus	93
(C) Other communities	1
	98
(*iii*) Males—	
1. Assistants	1,091
2. Gazetted officers	73
3. Non-gazetted officers	52
(*iv*) (A) Muslims—	
Assistants	405
Gazetted officers	28
Non-gazetted officers	23
(B) Hindus—	
Assistants	599
Gazetted officers	87
Non-gazetted officers	27

(C) Other communities—

Assistants	87
Gazetted officers	8
Non-gazetted officers	2

(c) (1) A club under the name of Government Stores Department Club has been opened. The Controller of Rationing in his personal capacity is the President and all officers of the Government Stores Section take interest in the club. Membership of the club is open to all employees of both sexes of the Section drawing a pay of Rs. 60 a month and upwards.

(2) Membership of the club is optional. No officer has compelled or put pressure on any lady assistant to enrol herself as a member of the club.

(b) No complaint has been received regarding the establishment of the club or the behaviour of the male assistants to the female assistants.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government had come across any other mixed club of Assistants and Officers, male and female, either in the Writers' Buildings with regard to the employees of Writers' Buildings or elsewhere except this club?

The Hon'ble Mr. H. S. SUHRAWARDY: I don't think that Government has made any efforts to search for such clubs.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in the opening ceremony of this club the Minister in charge of the Civil Supplies Department in his official capacity was invited to be present at the function and was garlanded by one of the lady assistants?

The Hon'ble Mr. H. S. SUHRAWARDY: The Minister in charge understood that he was being invited in his personal capacity, and he considered it an honour.

Dr. NALINAKSHA SANYAL: About garlanding?

The Hon'ble Mr. H. S. SUHRAWARDY: The Minister in charge does not remember now.

Mr. ABUL HOSSAIN AHMAD: Will the Hon'ble Minister be pleased to state whether any lady assistants have taken Muslim clerks as husbands?

The Hon'ble Mr. H. S. SUHRAWARDY: Is the honourable member suggesting whether there have been any marriages amongst the assistants?

Mr. ABUL HOSSAIN AHMAD: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware either officially or unofficially but I don't see that there is anything unnatural in marriages.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether Communal Ratio Service Rules have been observed in the matter of these appointments?

The Hon'ble Mr. H. S. SUHRAWARDY: The figures speak for themselves. On the last occasion I stated in this House that we have endeavoured to observe but unfortunately have not been successful in observing the Communal Ratio Rules. This is a matter which I am looking into.

Babu MADHUSUDHAN SARKAR: With reference to answer (a)(iv)(B), will the Hon'ble Minister be pleased to state whether he is in a position to tell us the number of Scheduled Caste assistants?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, I am not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that a verbal complaint was lodged by some female assistants including one Miss Malati Guha to the Additional Controller of Rationing against Mr. Abdur Rashid, Administrative Officer, Rationing, and against Mr. Gauhar Ali?

The Hon'ble Mr. H. S. SUHRAWARDY: I think you will be good enough to ask Dr. Sanyal to refrain from dragging in the names of officers?

Mr. DEPUTY SPEAKER: In the course of supplementaries to starred question No. 129 by Mr. Abul Fazl, you made a grievance regarding the employees of the office of Controller of Rationing, Calcutta——

Dr. NALINAKSHA SANYAL: That is another matter. Will you please allow me to put a supplementary question? The question time will soon be over.

Mr. DEPUTY SPEAKER: No, no. Please sit down.

Dr. NALINAKSHA SANYAL: In that case, will you please extend the question time?

Mr. DEPUTY SPEAKER: Dr. Sanyal, please sit down.

Dr. NALINAKSHA SANYAL: This is another trick to stop me from putting supplementary questions. This is another method to stop me from putting supplementary questions. I would like to know whether Hindu girls are entitled to protection at your hands.

The Hon'ble Mr. H. S. SUHRAWARDY: Muslim officers are also entitled to protection. Their honour is not to be besmirched by the honourable member.

Mr. DEPUTY SPEAKER: Mr. Roy, I appeal to you as the leader of the party to request Dr. Sanyal to withdraw the remark he has just made.

Dr. NALINAKSHA SANYAL: What remark?

Mr. DEPUTY SPEAKER: He has definitely stated that it is another trick by the Chair not to allow him to put supplementary questions.

Dr. NALINAKSHA SANYAL: I did not say it was a trick by the Chair, but it was a trick.

Mr. DEPUTY SPEAKER: When I was on my legs, it was your duty to sit down.

Dr. NALINAKSHA SANYAL: But I was also on my legs and you should not have interrupted me.

Mr. DEPUTY SPEAKER: When I was on my legs, I was going to make a statement and you should have resumed your seat. The position is this: On that occasion on Wednesday last in course of Starred Question No. 129 made by Mr. Abul Fazl, Dr. Sanyal made certain remarks about the question relating to the employees in the office of the Controller of Rationing, Calcutta. Mr. Speaker looked into the matter carefully but he did not find any cause or ground for complaint as made by Dr. Sanyal. Dr. Sanyal was given facts and figures by Mr. Speaker in his chamber about this matter. If Dr. Sanyal still insists and feels aggrieved, it would be better for him to address the Secretary and to put the matter in black and white so that a proper enquiry can be made. But I cannot allow this sort of things to go on in this way.

Dr. NALINAKSHA SANYAL: That is all right, but that has nothing to do with this matter.

Mr. DEPUTY SPEAKER: Question time over.

Dr. NALINAKSHA SANYAL: Sir, you have taken four or five minutes of the question time. Will you kindly extend the time and allow me to put further supplementaries? You have often extended the time when time has been wasted in this way.

Mr. DEPUTY SPEAKER: I am sorry, I cannot allow any more time.

Dr. NALINAKSHA SANYAL: Then my observation stands, Sir.

Mr. DEPUTY SPEAKER: Do you mean to say that you stand by that observation?

Dr. NALINAKSHA SANYAL: Yes. It is now proved that it is by a trick that you have turned me out, and I stand by every word that I have used. What is this nonsense going to be? This question has been before the House from 1942. If this is the attitude taken by yourself—I mean the man in the Chair—then this is most scandalous. I am prepared to stand any amount of enquiry. When Hindu girls are being insulted you try to stultify the interpellations in this way. It is most scandalous.

Mr. DEPUTY SPEAKER: In that case I have no option, Dr. Sanyal, but to request you to leave the chamber.

Dr. NALINAKSHA SANYAL: You cannot do that. You have got to follow the rules.

Mr. DEPUTY SPEAKER: I will close the House for ten minutes and I will request the leaders of parties to see Mr. Speaker in his chamber. The House stands adjourned for ten minutes.

(The House was accordingly adjourned for ten minutes.)

(After adjournment.)

Mr. KIRAN SANKAR ROY: Mr. Deputy Speaker, may I make an observation about the question over which there was some heat? I beg to inform you, Sir, that there is much feeling on this side of the House about the subject matter of the question May I request you to hold over that question?

Mr. DEPUTY SPEAKER: I can hold over that question only if Dr. Sanyal expresses regret and withdraws the remark which he has made.

Dr. NALINAKSHA SANYAL: I have no hesitation in withdrawing the remark that it was a trick on the part of the Chair, since if it is held over, obviously my ground for objection completely disappears. I do withdraw.

Khan Bahadur MOHAMMED ALI: He must apologise. (Cries of "ha, ha" from the Opposition Benches.)

Mr. DEPUTY SPEAKER: The question is held over.

GOVERNMENT BILLS.

The Bengal Private Forests Bill, 1944.

The Hon'ble Mr. PREMHARI BARMA: Sir, I beg to introduce the Bengal Private Forests Bill, 1944.

(Secretary then read the short title of the Bill.)

The Hon'ble Mr. PREMHARI BARMA: Sir, I further beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Maulvi Md. Abdur Rasheed,
(2) Khan Bahadur Dr. Syed Muhammad Siddiqué,

(3) Khan Bahadur Maulvi Alfazuddin Ahmed,
(4) Maulvi Abul Hashim,
(5) Babu Debendra Nath Das,
(6) Babu Narendra Narayan Chakravarty,
(7) Mr. Iswar Chandra Mal,
(8) Mr. Giasuddin Ahmed,
(9) Mr. Adwaita Kumar Maji,
(10) Maharaja Bhupendra Chandra Singh, of Susang, and
(11) the Hon'ble Minister in charge of the Forests and Excise Department (the mover),

with instructions to submit their report by the 15th February, 1945. The number of members whose presence shall be necessary to form a quorum shall be five.

Rai HARENDRA NATH CHAUDHURI: Mr. Deputy Speaker, Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon before the 28th February, 1945.

Sir, for the first time in the history of our provincial legislation a Bill dealing with private forests is going to be introduced in this Chamber. Private forests have existed for centuries past but no provincial authority has thought it necessary or proper to control those forests. Even up till now, Sir, all the forests in this country were governed by the Indian Forest Law. The Indian Forest Law was enacted in 1878 and after subsequent amendments was consolidated in the Act XVI of 1927. Therefore, Sir, in introducing a provincial measure on this subject two things have got to be proved. In the first place that there is necessity for a provincial law and the necessity for a measure of the kind that has been moved, and secondly that the Indian Forest Act is powerless to secure proper management of the private forests. I am very sorry, Sir, that in introducing this Bill the Hon'ble Minister in charge has not been pleased to explain the necessity of this measure, far less the necessity and urgency of such a drastic measure as has been proposed, or how the improvement of forests cannot be secured by the application of the Indian Forest Act.

Now, Sir, the House will remember that in 1938 a committee was appointed by the Government to enquire into the Western Bengal forests. There was no proposal at that time to introduce any all-Bengal measure or even to enquire into the conditions of the private forests all over the province. The terms of reference of the committee were limited only to an enquiry into the Western Bengal forests. And, Sir, the committee held a number of sittings, some of the members of the committee visited the forest areas in the western parts of the province and eventually the committee produced a report including a draft Bill, but the Bill was strictly limited in its application to the western districts of Bengal. The scope of the Bill of 1939 or rather the extent of the application of the Bill was not the whole of Bengal. Even in respect of the western areas, I mean the Burdwan Division, I cannot find any justification for such a Bill, at least in the report of the committee. The committee certainly enquired into the condition of the Western Bengal forests, but what were their findings? In the first place, Sir, their findings were that in Midnapore things were not nearly so bad as might have been expected, because most of the forest was in the hands of large zamindars who realised that it brought them in more revenue than paddy land. So, as far as the Midnapore forests were in question the committee had no reason to feel concerned. Then, Sir, about Burdwan they no doubt remarked that the condition of forests generally in Burdwan were bad, and about Birbhum also the same remark was made and the worst remarks were made in respect of Bankura, but they generally referred to small owners' forests. Sir, the report of the committee disclosed no reasons as to why such a Bill on drastic lines as has been placed before us should be enacted. As to how the Indian Act on the subject has failed, the committee had also very little to remark. In fact they admitted

that "*if all forests had been managed like those of the big owners of Midnapore there would have been no occasion to appoint this committee.*" The only justification for the enquiry they could indicate by pointing out that "*It is far otherwise with the small owners alike in Midnapore and other districts with some few exceptions*". It is, therefore, obvious that the Bill aims at the control more of small owners' forests than of large owners' forests, and, in that view Sir, the committee has been very hard in making their remarks and legislative plan against the small owners without sufficiently realising their peculiar difficulties. In remarking that it is far otherwise with the small owners alike in Midnapore and other districts with some few exceptions, they admit at the same time that the economic pressure drives the small owners to sell to the contractors the right to cut down their forests before the trees are fit to be felled. They have also to admit that the revenue system has always been cruelly hard on the small men. They have further admitted that the drastic increase in the assessment of cesses has compelled the small owners to cut down the trees before they are sufficiently mature. They have pointed out another thing no doubt, *viz.*, the scrambles amongst small co-sharers which are also responsible for the deterioration of the small owners' forests. But you will see, Sir, that there are compelling economic reasons, sufficiently valid reasons, for the small owners not to be able to make proper management of their forests, because you can well understand the obvious difference between forestry, I mean, sylviculture and agriculture. In agriculture one expects quick returns; in forestry one has got to wait long for proper yield. We have to remember Sir, that the private forests in this province are subject to the same revenue system as the agricultural lands, and there lies the difficulty of the small forest owners. They cannot afford to wait. They have got to meet the Government revenues; they have got to pay the ever-increasing cesses. And how can they meet Government revenues and how can they pay cesses, unless they try to realize the amount by selling their forests prematurely. They have got to fall back upon their forests, knowing that they are not doing the proper thing, to meet the State charges on account of those forests. In these circumstances what should have been proposed by the committee was not a drastic measure to control or even take over the small owners' forests without adequate compensation or depriving them of income and compelling them to undergo immediate losses; rather the committee should have recommended liberal assistance for improvement from the public exchequer. The committee ought to have recommended that small owners should be helped, and helped sufficiently, not to resort to such practices as would result in the deterioration of their forests. Sir, all over the world forest regulation is conducted on two principles. We find that only in those countries where there are large mountainous regions and a large proportion of the total area is covered by forests there are such laws as have been proposed here tonight. In other countries such laws find no place at all. Where the State owns most of the forests—and the State of course can afford to wait more than private owners—there is also no such drastic measure as has been proposed for the control of the Bengal private forests tonight. If you look into the forest laws of different countries, you will find that the forest law is most stringent in the Scandinavian countries and in some of the Central European states. For instance, the forest law of Finland. There 75 per cent. of the total area of the country is under forest 58·5 per cent. of which again is private forest, and forests go to provide for the staple industry of the land. Therefore, in that country there is a stringent measure to control the private forests. Similar is the position in Sweden. There also 55 per cent. of the total area of the country is covered by forests. Of that more than 60 per cent. belongs to the private owners. Then, Sir, if you turn to Central Europe, you will find that in Austria about 38 per cent. of the total area of the country is under forests and 67 per cent. of that area is covered by private forests. Same is the position in Czechoslovakia. There 34 per cent. of the area of the whole country is under forests and 63 per cent. of

that area is covered by private forests. What is the position in our country, and in Bengal in particular? Only 13·5 or 13·6 per cent. of the total area of Bengal is covered by forests. (The Hon'ble Mr. PREMHARI BARMA: 9 per cent. and not 13 per cent.) So much the better for my argument but I suppose that is not the case. Out of 78,600 square miles of the total area 10,600 and odd square miles are forests, i.e., 13 and odd per cent. of the total area of the province is covered by forests and most of the forests are State-owned forests. The private forests are very small in comparison with the State forests. Therefore, in the interests of the country if forestry has to be developed, it has to be developed on the basis of State forests and Government or rather its Forest Service should, first of all, try to oil their own machine, try to prove that the State forests are a productive proposition. We know, Sir, that so far as our forest administration is concerned, it is a highly uneconomical administration. From the point of view of revenue and the expenditure that is incurred to secure that revenue, the expenditure is much too high and exorbitant. Uneconomic exploitation only the State can afford and not private individuals. If the State cannot afford to maintain or manage properly its own forests, how is it entitled to attempt to control the private forests, I for myself cannot understand. Sir, in those countries where a very large percentage of the area is not covered by forests, or much of the forest area is not owned by the State, the State adopts two or three beneficient measures to improve the forests. First of all, the State acquires lands where re-afforestation is possible or desirable. Secondly, they offer large bounties to private owners to enable them to undertake long-term development of forests. Without assistance from the State it is not possible for private owners, particularly those who are subject to a harsh revenue system, to develop their forests on a long-term basis. The first example you will find in U.S.A. There the State acquiries lands where protective afforestation is possible. It does not leave such land in the hands of the private owners. It pays them down and takes the land. It does not expropriate without paying sufficient compensation. It legislates for acquisition of land for protective purposes. Such acquisition was permitted in the United States of America by the Weeks Act of 1911. There the State acquired large quantity of land in the catchment areas for controlling floods by purchase from private owners paying them large compensations. That principle, Sir, was extended for the acquisition of other forest lands than what may be termed as "protection forests" by an amendment to the Clarke-McNary Act in 1924. Thus the State came to acquire forest lands from private owners to develop them. You will find, Sir, an example of the other case, namely, of granting sufficient bounty to private owners, in France, I believe. There strict control exists however in the case of protection forests only and in respect of other forests private owners at their own request may have their forests managed by Government under terms of contract drawn up for a period of not less than 10 years such as may be done under section 38 of the Indian Forest Act. Assistance may also be given otherwise, e.g., "plantations on summits and slopes of mountains and sand dunes are all free from taxation for a period of 30 years and plantations on other areas are also exempt for a period equal to the period destroyed by fire subject to a maximum of 20 years".

Again, in Italy, even where the State does not own forest land but forest lands are mostly owned by private persons, and large grants and subsidies are given to the latter to develop their forests. An Act was passed in 1923 even by Fascist Italy providing for grants to private persons to enable them to develop their forests. But nowhere would you find any such proposal as has been made in the Bill before us to take over private forests simply on the ground of mismanagement. It has been proposed only in our Bill. In our Bill it has been provided that so far as private owners are concerned working plans will be imposed on them. They will have to work their forests according to such plans and if they do not work them satisfactorily or if they try to evade the plans in that case they will be

punished even with imprisonment. Such an harsh measure has never been conceived in any other country, particularly in a country situated like our province where the State owns most of the forests and the private persons only a small proportion and where the development of forests does not really depend so much on the private persons as on the State.

Sir, there are other countries also in the world where private forests are mismanaged, mismanaged more or less like our much criticised small owners' forests. Suppose an expert goes to England from India or from Bengal, what will he find there? He will find that the forests in England or in Great Britain are not in a much better condition. There most of the forests are owned by private persons. Do these forests in Great Britain stand in any better position? Dr. Troup, Professor of Forestry in the University of Oxford, says: "There is no control over private forestry in Britain except in the case of entailed property. Under the law of entail an owner is prevented from cutting down his woods without an effort to replace them, except with the sanction of the heir-at-law. But for this exception, an owner of woodlands may clear his woods without any attempt at regeneration, leaving behind devastated areas which are of no value to himself, his successors, or the country in general: and speculators may purchase woodlands and similarly clear them without hindrance. Nor has an owner any obligation to manage his woodlands properly; in consequence, the majority of British private woodlands present a sad picture of neglect, while sustained yield management is seldom understood, much less practised. On a limited number of estates commendable efforts are made to practise forestry on correct lines but this only serves to show up more conspicuously the failings of the majority."

What is the cause of decline of private forests even in such an advanced and resourceful country like Great Britain? "In 1931, the question of private forestry in Great Britain was the subject of inquiry by the Forestry Consultative Committees of England, Scotland and Wales——

Mr. DEPUTY SPEAKER: Mr Chaudhuri, you may continue after prayer adjournment.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Rai HARENDRA NATH CHAUDHURI: Mr. Deputy Speaker, Sir, I was pointing out the instance of an advanced country where private forests were also mismanaged but such a legislation to control them has not been undertaken. The instance I was quoting was that of Great Britain. I was going to point out also that the causes of decline of private forests in Great Britain are almost the same as are found to be in Bengal. "In 1931," Dr. Troup says, "the question of private forestry in Great Britain was the subject of inquiry by the Forestry Consultative Committees of England, Scotland and Wales. A joint report by the three committees ascribed its decline to various factors, including the general depression, taxation, the break-up of estates, the high level of wages, and want of confidence in the future, which prevents proprietors from sinking capital in such long-term investments as plantations". But, Sir, unlike our Committee Report, their "report was unable to suggest any practical solution of the question in view of the need for national economy at a time of serious financial depression, and the Forestry Commissioners have foreshadowed the possibility of maintaining the woodlands of Great Britain by taking them over on fair terms in cases where, after every possible encouragement and State co-operation has been offered, the owner is unable to replant." But, Sir, the Bengal Government, the popular Bengal Ministry of today has been advised that compulsion is the only remedy here in Bengal and State assistance and State grants should not be countenanced at all. Now, Sir, "assistance to forest trade is provided by the Forestry Commissioner in England (1) by encouraging planting by local authorities and private persons with the aid of grants from the State, (2) by furnishing advice on

technical matters, (3) by subsidizing education and research, and (4) by contributing in other ways towards the assistance of forestry". You won't find such measures at all in the Bill that is introduced. The first and last word in the Bill is compulsion. "Under the Forestry Act of 1919, the afforestation grants paid by the Forestry Commission (in England) amounted to a maximum of £2 per acre for conifers, £4 for oak or ash, £3 for beech, sycamore or chestnut, and £2 for other approved hardwoods. These grants have been an incentive to planting to a limited extent only. Between 1920 and 1936 the area planted with the aid of grants and, to a small extent, through the profits-sharing scheme amounted to 111,264 acres, which represents only about one-quarter of the area estimated to have been felled during and immediately after the war. Making allowance for private planting without grants, and for State planting it was estimated in 1934 that 400,000 acres of felled and devastated woodlands remained unplanted, and the Forestry Commissioners in their report of that year expressed doubt whether any real progress had been made in maintaining the existing woodlands on even the relatively low pre-war standard."

Sir, even State grants on a liberal scale failed to improve private British forestry, but here there is no proposal of assisting with grants the private proprietors.

Another possible way of improving forests, I mean, private forests, would be as Dr. Troup says: "to work on a co-operative basis somewhat on the lines of Denmark and Finland by forming groups of woodland estates and placing each group under a competent unit of management, but each group of estates would be subject to the same general policy and placed under a single sales organisation directed, when necessary, by a co-operative body composed of land-owners themselves or their representatives. A scheme of this kind would enable land-owners to obtain the services of competent forest managers at a cost which would be more than recouped by increased receipts due to the more efficient management of their woodlands. In the earlier years of the scheme a contribution towards the salaries of the managers might be paid by the State, though the ultimate aim should be to justify their employment as a charge on the estates alone." But, Sir, here it is proposed to have the estates managed by expert managers with technical knowledge, but they will be imposed on private forests at the cost of the owners without any pecuniary aid or grants, for no such proposal appears in this Bill. Sir, here the Government is not going to try any other remedy except the worst remedy of compulsion. That is the only remedy that is envisaged in this Bill. In this Bill power has also been taken to take over private forests by agreement no doubt, but if that be possible then why provide for compulsory taking over of private forests without paying any compensation whatsoever, and even for punishment of private owners when they will not adhere to your scheme of management. Such harsh, coercive measures have never been found necessary in other countries excepting, as I have pointed out, those like the Scandanavian countries where most of the land is covered by forests and forests are owned not by the State so much as by private owners and forest produce constitutes the staple industry of the country. No parallel can be drawn between Finland and Bengal or between Czechoslovakia and Austria and Bengal. Sir, some of us who have not given so much attention to the question of development of forests in this country may run with the idea that, if forests are developed in catchment areas in Bengal, floods would be controlled but in the Bill you will find no distinction between what are called in the West "protection forests" and "production forests". Protection forests are meant really for the benefit of the community such as forest lands where afforestation has to be carried on for the purpose of the protection of the people, viz., to prevent land-slides, avalanches, floods, etc. The Bengal Committee, Sir, went into the question of the control of floods in the Western Bengal rivers, but they found that reafforestation in the catchment areas of the Damodar and other

rivers was not a matter for Bengal because the catchment areas were all situated in Bihar. So if the flood has to be checked by reafforestation, that reafforestation has got to take place in Bihar and not in Bengal. That has been found by the committee. I could have understood, Sir, the necessity of such a Bill if the Bill had made a clear distinction between "protection forests" and "production forests" and measures of control were proposed in the case of protection forests only. I could have understood that proposition, Sir, but that is not the case. All the drastic measures are going to be proposed in respect of the private forests for production purposes and not for protection only. Sir, the committee in their investigation found that soil erosion had taken place only in a small part in Bankura and nowhere else. And yet instances of soil erosion in Canada, South Africa and China have been quoted in the report. If there has been soil erosion in Canada or China, how does it affect Bengal? Why on the remote chance of soil erosion we should enact such a coercive Bill here and now. Such a Bill, Sir, should not be launched here at this stage. Other remedies ought to be tried to improve the Bengal forests, before, Sir, we think of a Bill the first and last word of it is compulsion. That is also the opinion of all those who have made researches in forestry. Dr. Troup's opinion is that "experience in countries where control over private forestry is exercised has shown that too strict a measure of compulsion destroys personal interest and leads to evasion of regulations, while too rigid a control over forest technique may result in killing initiative and sense of responsibility. So long as public interests are safeguarded, and a policy which ensures this is followed, the ideal is to promote community of interests between the private owner and the State, to encourage initiative, and to apply compulsion only where other methods fail". But other methods have not been tried up till now in Bengal, yet Government is going to launch a Bill which is based on compulsion. Sir, I put one simple question in conclusion to the Hon'ble Minister in charge. Why do you not take advantage of the Indian Act as it stands even at present? Section 35 of the Indian Forest Act provides that where regulation of forests is necessary for the purpose of protection that may be done by the Government by notification. Section 35 says:

"The Local Government may, by notification in the local Official Gazette, regulate or prohibit in any forest or waste-land -

(*a*) the breaking up or clearing of land for cultivation;
(*b*) the pasturing of cattle; or
(*c*) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:—

(*i*) for protection against storms, winds, rolling stones, floods and avalanches;
(*ii*) for the preservation of the soil, the prevention of land slips, the protection of land against erosion, etc.
(*iii*) for the maintenance of a water-supply;
(*iv*) for the protection of roads, bridges, etc.; or
(*v*) for the preservation of public health."

In other cases also Government may easily control all forests by agreement with private forest owners under section 38. Section 38 says:

"The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire—

that such land be managed on their behalf by the Forest Officer as a reserved or a protected forest on such terms as may be mutually agreed upon."

Therefore, Sir, the management of forest may be taken over even by agreement. Not only that, Sir. Forest lands even may be acquired where

Government think it necessary to acquire them in the interest of the community at large under section 37, and under section 36, Government can take over management of private forests in case of neglect or wilful disobedience to any regulation under section 35. Why does the Government fight shy of section 5, 35, 36, 37 or 38 of the Indian Forest Act? For the present, Sir, the provisions of the Indian Forest Act ought to suffice and there is no necessity of a provincial measure like that which is contemplated and placed before us tonight. With these words I move the motion for circulation that stands in my name.

Mr. CHARU CHANDRA ROY: Sir, I beg to move that for the name of Mr. Adwaita Kumar Maji in the personnel of the Select Committee proposed the following name be substituted, namely:—

Mr. Jatindra Nath Chakrabarty.

Mr. A. F. STARK: Sir, I beg to move that the following name be added to the personnel of the Select Committee proposed, namely:—

Mr. D. G. Smyth-Osbourne.

Mr. ATUL CHANDRA KUMAR: Sir, after the learned speech by Rai Harendra Nath Chaudhuri it is of no use to speak because it will not enter the deaf ears of Government, but still when I see that a Bill has been brought in this way it should be circulated for the purpose of eliciting opinion thereon because this is not a well thought-out Bill. We all like that a well thought-out Bill should be brought before the House because this Bill will not do good to the country at large. If we only bring a Bill for the income of Government so far as forest is concerned, then I think there are many points which should be also incorporated in this Bill.

A committee was appointed in the year 1938 and the name of the committee was West Bengal Forest Committee. In the Statement of Objects and Reasons of this Bill the Hon'ble Minister says that "Owing to the progressive denudation of forests in West Bengal by tenants and private owners, soil erosion has been going on on a considerable scale making large areas of land bare and unproductive. The destruction of the forests has also been rendering West Bengal as a whole more liable to floods and drought. Moreover, denudation of the forests has endangered the supply of timber and firewood for local consumption. In Resolution No. 14670-For., dated the 25th July, 1938, a representative committee consisting of officials and non-officials was appointed by Government to examine this alarming situation and to suggest remedial measures. The area of the enquiry comprised the districts of Bankura, Birbhum, Burdwan and Midnapore. The committee submitted an illuminating report after elaborate investigation.

The committee was appointed to examine the conditions of West Bengal, specially the districts of Bankura, Birbhum, Burdwan and Midnapore. The 1938 Bill only extends to the districts of West Bengal. The Bengal Private Forests Act, 1939, applied to the districts of Bankura, Birbhum, Burdwan and Midnapore, but in this Bill of 1944, the Hon'ble Minister all of a sudden in his wisdom says that it should extend to the whole of Bengal without examining the condition of forest of Bengal. Therefore, on this ground at least this Bill should be circulated for the purpose of eliciting public opinion thereon.

Sir, you will just see that we are going to deforest in this House. From the thin House you can understand that we are not interested in afforestation. Sir, I want to draw the attention of the Hon'ble Minister to one thing. He has described the meaning of "waste land" as "waste land" means any waste land which is not the property of the Crown or over which the Crown has no proprietary right. Therefore if they want to have any waste land they can have it as forest. It may be that that waste land is kept as pasture land. It is also necessary that some waste land should be kept as pasture land. We know the condition of cattle in Bengal. They

are such a poor specimen and if all the waste lands are turned into forest their condition will be worse. Forests do not always provide good grazing ground. Much of the unproductive land may be converted into good pasture land. Therefore if we only bring a piecemeal legislation of this kind it will be no good.

In other countries like Switzerland or Tennessy Valley there is strict law for afforestation. In the catchment area they apply it on special grounds, namely, to control flood and thereby they generate hydro-electric power so that irrigation and other industries may be developed.

Sir, it is a very important Bill. It extends to the whole of Bengal. Practically the District Magistrate and the Forest Officer may take any waste land in *khas*. Mango garden may be converted into forest land. Members who have been chosen in the Select Committee do not seem to take any interest in this Bill. Therefore something should be said at this stage so that even if we are defeated—and we will be defeated, Government won't hear us—members of the Select Committee will take note of the objection taken by us. A committee was appointed for the districts of Bankura, Birbhum, Burdwan and Midnapore, but the Hon'ble Minister all of a sudden has brought in a Bill which seeks to bring under its jurisdiction the whole of Bengal.

I think the forest in Bihar is no less in area than in Bengal. Under section 38 of the Indian Forest Act Government has power to take any forest if it is not well managed Bihar is trying to induce those who possess forests which are not economic to make a contract with the Government so that Government will do some good to them. If the proprietors of forests are induced to believe that a good forest pays 124 times than any crop and that a bad forest pays 4 times than any bad crop and if they are given to understand that a forest pays for them they will not, I am sure, deforest their lands to have ordinary crops which are of less importance from the economic point of view. Therefore, Sir, I say that this Bill should be circulated from many points of view. The Hon'ble Minister has not stated that he wants afforestation for the protection of catchment areas. If the Hon'ble Minister says that it is in order to protect the Burdwan floods that he wants afforestation then we shall not object. That can be done under section 38 of the Forest Act. They can induce the proprietors of private forests to come to an agreement with Government. That has been done in Bihar also. If he wants that the jurisdiction of the whole of Bengal should come under the purview of this ill-conceived legislation then the Bill should be circulated and another committee should be appointed to investigate the conditions of forests also. The conditions in West Bengal, North Bengal and East Bengal are not the same; they cannot be placed on the same footing.

Sir, this Bill is very important though members are not taking interest including yourself, Mr. Deputy Speaker. I hope, Sir, that you will kindly permit me to speak on it, because it is a very important legislation. Your crop land and pasture land may be converted into forests; our mango gardens may be converted into forests. There is no appellate authority save and except two officers. Whatever will be said by them will be accepted.

Mr. DEPUTY SPEAKER: Let us hear Mr. Morgan.

Mr. ATUL CHANDRA KUMAR: Sir, the onus of proof has been given to men who will take something from the forests. It is against the provisions of the Criminal Procedure Code. Therefore, Sir, though we welcome one good legislation regarding forest and for developing forest for the purpose of afforestation in connection with control of floods—we do not oppose forest law as such—we oppose the present Bill, as it is drafted. Therefore, Sir, this Bill should be circulated for the purpose of eliciting public opinion and I support the motion of Rai Harendra Nath Chaudhuri.

Mr. C. MORGAN: Mr. Deputy Speaker, Sir, I do not think my friends have made out a case for circulation of the Bill, but I think a sufficient case has been made out in support of the motion before the House for submission to Select Committee. I support the motion before the House for reference to Select Committee.

The Bill is based on the Report of the West Bengal Forest Committee appointed in 1938.

Mr. ATUL CHANDRA KUMAR: This Bill applies to the whole of Bengal.

Mr. C. MORGAN: Listen. You had your say. This task was very similar to that of the Stephenson Committee which enquired into the denudation of forests in Chota Nagpur and Orissa in 1908, 36 years ago.

What valuable time has been lost!

Rai HARENDRA NATH CHAUDHURI: Only 36 years. Bihar has thrown out the Bill.

Mr. C. MORGAN: 36 years is evidently nothing to the honourable members. I would, Sir, stress the importance of making this Bill applicable to the whole of Bengal, as West Bengal is not the only area for which the Bill is required and I would instance the catchment areas in the Darjeeling district as one.

It is evident that owners are in need of expert advice and also that powers should be given to deal with forest petty offences. Any improvement in the management and condition of forests will ultimately benefit owners and also cultivators.

For the working of controlled forests, paragraph 58 of the Forest Report states clearly what is necessary, and we are in full agreement with those remarks.

I would draw your attention, Sir, to the remarks made by the Committee regarding the necessary staff, reference being made to the fact that the Regional Forest Officers and staff required to carry out the work do not exist at present, and that it would probably take three years at least before they could be recruited and trained. I would ask Government whether they have taken any action on these lines.

Again, Sir, what are Government's plans regarding re-afforestation? Has there been a systematic survey of available waste lands and, if so, have there been any experiments on various classes of waste lands as recommended by the Committee?

Referring to what I have already mentioned about the Stephenson Committee Report of 1908, has Government attempted to secure the co-operation of the Bihar Government in this matter and has Government asked the Bihar Government to take up similar legislation? This, Sir, is essential and urgent as the deterioration of the larger rivers of Western Bengal is due mainly to the deterioration of forests in Chota Nagpur as stated in the Forest Report.

It is also said and stated in the Report that the grazing in the forests does unmeasured harm to the forests and very little good to the cattle. Fodder crops should be grown for cattle everywhere in the barren areas as a substitute for "leaf grazing", and the Report states that the obvious fodder crop is Napier grass. (Khan Bahadur Maulvi FAZLUL QUADIR: A good suggestion.)

I have some experience in this myself, because I initiated the planting of Napier grass on the edges of fields in part of the Kalimpong subdivision, where leaf grazing is very general.

In our opinion there is no case for circulation of the Bill. The West Bengal Forest Committee Report has been before the public since 1939 and this Bill reproduces the draft Bill recommended by the Committee after very careful and detailed investigation.

We consider this Bill is absolutely necessary and urgent, and I trust it will soon be placed on the Statute Book.

Point of privilege.

Dr. NALINAKSHA SANYAL: Sir, may I invite your attention to a question of personal privilege? Last session also I had to invite similar attention to the inconvenience felt by members in connection with the issue of petrol coupons. I find that your office, far from exercising a little commonsense, is defacing our books to such an extent that it is impossible to——

Mr. DEPUTY SPEAKER: Order, order. Dr Sanyal, the matter will be looked into You need not worry.

Dr. NALINAKSHA SANYAL: Sir, I trust that your assurance will really be followed up by the office. On previous occasions many assurances were held out, but they were not followed up.

Mr. DEPUTY SPEAKER: It will be followed up.

Dr. NALINAKSHA SANYAL: There is another matter of privilege, Sir. On a previous occasion during this session we had to invite the attention of the House to the fact that the Motor Vehicles Rules amendments were not placed before the House as required under the Act and Khan Bahadur Mohammed Ali on behalf of the Chief Minister who is also the Home Minister assured us that he would go into the question and would within the present session place before the House those amendments which were not so far placed. I trust that the House will not be prorogued before these rules are placed before it; otherwise the whole set of rules will become infructuous and illegal.

Mr. DEPUTY SPEAKER: I will look into the matter

Dr. NALINAKSHA SANYAL: This is a matter of vital interest. I hope you will please look into it before you read out the prorogation order.

Mr. DEPUTY SPEAKER: You cannot anticipate these things.

Dr. NALINAKSHA SANYAL: This is a matter of vital interest, Sir.

The Bengal Private Forests Bill, 1944.

The Hon'ble Mr. PREMHARI BARMA: Sir, as to the expediency of the proposed legislation, I have very little to add to what I have already indicated in the Statement of Objects and Reasons attached to the Bill. A resume of the principal features of the Bill has been furnished in the Statement of Objects and Reasons. The Bill is based on the recommendations of the West Bengal Forest Committee, copy of whose report was supplied to the members of the House. I trust that the members of the House will from their study of the report bear me out that the Committee had gone into the whole question with great thoroughness. I further beg to add that the Committee did not submit their report simply after some academic discussions amongst themselves but they took the trouble of entering into details and seeing for themselves the conditions of the forests in West Bengal. I regret to say that Rai Harendra Nath Chaudhuri who was himself a member of the Committee did not accompany the Committee in their tours because at that time he was ill.

Rai HARENDRA NATH CHAUDHURI: A dissenting member!

The Hon'ble Mr. PREMHARI BARMA: He was the only dissenting member.

Dr. NALINAKSHA SANYAL: Only member who had studied the subject.

The Hon'ble Mr. PREMHARI BARMA: What I beg to submit is that Mr. Chaudhuri did not see for himself the conditions of the forests in West Bengal. Had he seen the conditions, perhaps he would not have submitted a note of dissent. The Committee undertook extensive tours in the areas under investigation and recorded the evidence of a large number of independent witnesses on the spot. The representative character of the Committee vouches for its competence and expert knowledge in dealing with the subject which naturally bristles with technicalities. No useful purpose will in the circumstances be served by calling for the uninformed opinion of the lay public and I would urge that the Bill be referred at once to the Select Committee to examine the provisions in detail and to suggest improvements where necessary.

I need hardly emphasise the urgency of the problem to prevent the devastation of forests which has been proceeding on an alarming scale. Forest preservation is an absolute necessity on climatic and physical grounds for the well-being of the community. Expert opinion affirms that the minimum area under forest should be 20 per cent. against the existing figure of 9 per cent. in this province.

Mr. Chaudhuri has said that it is a drastic measure and that it is inconsistent with section 38 and other sections of the Indian Forests Act. I beg to submit that this Bill is an improvement on the Indian Forests Act. Under that Act, whenever a private forest was taken over, Government would have a share in the profits derived from better management of the forest. Under this Bill, however, we have not made any provision for any share of profits whatsoever so far as Government are concerned. Again, Sir, private owners of forests are at liberty to manage their forests provided they work in accordance with the co-ordinated working plan. Provision has also been made for an appeal to the Appellate Committee. Therefore I don't think that any hardship will be caused to private owners of forests, as apprehended by Mr. Chaudhuri.

Mr. DHIRENDRA NATH DATTA: Is there any provision for financial assistance by Government?

The Hon'ble Mr. PREMHARI BARMA: Yes, certainly there is.

Rai HARENDRA NATH CHAUDHURI: Under which clause?

The Hon'ble Mr. PREMHARI BARMA: If you kindly go through the Bill, you will see it. There is a provision in the Bill for helping private owners of forests. (Interruption.)

The provisions of this Bill will be given effect to only in places where Government think that it will be necessary, and it will not be given effect to throughout the whole province at once. If Government think that this Bill should be applied to any part of Bengal, it will be done but in that case also the opinion of the local people will be considered.

As regards catchment areas outside the province, I may add that the Bihar Government will have similar legislation and take to afforestation in those areas. Those parts being outside the province, we cannot do anything.

I do not want to take up the time of the House any more. I oppose the motion for circulation and commend my motion to the acceptance of the House.

As regards the motion regarding the personnel of the Select Committee, the opinions of the Whips of different parties have been taken and therefore I do not think that it will be right to accept the amendment of Mr. Charu Chandra Roy.

Mr. DHIRENDRA NATH DATTA: It is a case of substitution only.

The Hon'ble Mr. PREMHARI BARMA: The question of substitution cannot arise because the names were supplied by the Whips of Parties.

As regards the amendment of Mr. Stark, I accept it because the consent of Mr. Powell has not ben obtained.

The motion of Rai Harendra Nath Chaudhuri that the Bengal Private Forests Bill, 1944, be circulated for the purpose of eliciting opinion thereon before the 28th February, 1944, was then put and declared that "the Ayes have it".

Mr. DEPUTY SPEAKER: I am sorry, I have made a mistake. I shall put the motion again.

Dr. NALINAKSHA SANYAL: There is no provision in the Rules for putting the motion again. Let us therefore proceed to the next motion.

Mr. DEPUTY SPEAKER: No, no.

Dr. NALINAKSHA SANYAL: The opportunity for the Government to call for a division was there if they felt that your declaration was wrong but they kept quiet.

Mr. DEPUTY SPEAKER: It is simply a slip of tongue on my part. I have immediately corrected myself. I shall put the motion again.

Dr. NALINAKSHA SANYAL: You cannot put the question again. That is not allowed under the rules.

Mr. DEPUTY SPEAKER: I shall put the question again.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. You have given a ruling and a declaration. There is no provision in the rules for anybody challenging that declaration except within the rules. The rules provide that in case of a voting if you do declare something which is contrary to the actual position in the House this declaration can be challenged, within the period permissible, by the Whip of every party getting up and calling for a division and if that division was not called, it would only be presumed that your decision is correct. There is no provision in the rules for you or for anybody to seek to revise the decision by putting the whole thing over again. That would be tantamount to the waste of the time of the House. I therefore submit that the matter should be allowed to stand where it is.

Mr. FAZLUR RAHMAN: Sir, it is not tenable. It is the inherent right of the Speaker to correct a slip of tongue as it was done in another House which went to the High Court and the High Court held that the President of that House was entitled to correct that mistake.

Dr. NALINAKSHA SANYAL: Sir, may I enquire, if it was a slip of your tongue, whether it was also a slip of the ear of the Chief Whip of the Government? It cannot be both.

Mr. DEPUTY SPEAKER: Dr. Sanyal, I have heard your point of order and I have also heard Mr. Fazlur Rahman. That was absolutely a slip of the tongue, and I do correct myself in the House. I put the motion once again.

Dr. NALINAKSHA SANYAL: Sir, we do not take part in the division at all.

The motion of Rai Harendra Nath Chaudhuri that the Bengal Private Forests Bill, 1944, be circulated for the purpose of eliciting opinion thereon before the 28th February, 1945, was then again put and lost.

The motion of Mr. Charu Chandra Roy that for the name of Mr. Adwaita Kumar Maji in the personnel of the Select Committee proposed the following name be substitutel, namely:—

Mr. Jatinlra Nath Chakrabarty,

was then put and lost.

The motion of Mr. A. F. Stark that the following name be added to the personnel of the Select Committee proposed, namely:—

Mr. D. G. Smyth-Osbourne,

was then put and agreed to.

The motion of the Hon'ble Mr. Premhari Barma that the Bengal Private Forests Bill, 1944, be referred to a Select Committee, as amended, consisting of—

(1) Maulvi Md. Abdur Rasheed,
(2) Khan Bahadur Dr. Syed Muhammad Siddique,
(3) Khan Bahadur Maulvi Alfazuddin Ahmed,
(4) Maulvi Abul Hashim,
(5) Babu Debendra Nath Dass,
(6) Babu Narendra Narayan Chakravarty,
(7) Mr. D. G. Smyth-Osbourne,
(8) Mr. Iswar Chandra Mal,
(9) Mr. Giasuddin Ahmed,
(10) Mr. Adwaita Kumar Maji,
(11) Maharaja Bhupendra Chandra Singh of Susang, and
(12) the Hon'ble Minister in charge of the Forests and Excise Department (the mover).

with instructions to submit their report by the 15th February, 1945. The number of members whose presence shall be necessary to form a quorum shall be five, was then put and agreed to.

The Bengal Tanks Improvement (Amendment) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to introduce the Bengal Tanks Improvement (Amendment) Bill, 1944.

(Secretary then read the short title of the Bill.)

Sir, I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Kazi Abul Masud,
(2) Mr. Abdur Raschid Mahmood,
(3) Maulvi Abdul Jabbar,
(4) Maulvi Md. Mozammel Huq,
(5) Babu Madhusudan Sarkar,
(6) Babu Kshetra Nath Singha,
(7) Sj. Manindra Bhusan Sinha,
(8) Sj. Narendra Nath Das Gupta,
(9) Maulvi Abdul Wahed,
(10) Dr. Gobinda Chandra Bhawmik,
(11) Babu Narendra Narayan Chakravarty, and
(12) the Hon'ble Minister in charge of the Revenue Department (the mover),

with instruction to submit their report by the 1st March, 1945. The number of members whose presence shall be necessary to form a quorum shall be five.

Sir, this is only an attempt to improve upon the existing Act, namely, the Bengal Tanks Improvement Act of 1939. The experience we have gathered by the working of this Act in the last five years shows that it requires some improvement and the present Bill is only an attempt to do that so that the Bill may be more useful and more effective and may serve better useful purpose. Our recent experience shows that there are places in the province where the only source of irrigation are the tanks, and so tanks have got to be improved as a part of our programme of the "Grow More Food" campaign. Government are re-excavating a large number of tanks and in order to make the tanks more useful and helpful to the people it is necessary to amend the Bill and the present amending Bill has been drafted on those lines.

Sir, it has been proposed to refer the Bill to a representative Select Committee where, I am sure, the Bill will be further improved wherever it is necessary.

With these observations, Sir, at this fag end of the day, nay, at this fag end of the present session, I place the motion for the unanimous acceptance of the House.

Mr. A. F. STARK: Sir, I beg to move that the following name be added to the personnel of the Select Committee proposed, namely:—

Mr. M. A. F. Hirtzel, O.B.E.

Dr. NALINAKSHA SANYAL: Sir, in view of the motion moved by Mr. Stark—and I presume that is going to be accepted by the Government's Chief Whip—I submit that you will permit my Deputy Leader to add another name because the names were in certain proportion.

Mr. FAZLUR RAHMAN: Sir, we have not proposed any name from that group, and so they have proposed only one name from their group.

The motion of Mr. A. F. Stark that the following name be added to the personnel of the Select Committee proposed, namely:—

Mr M. A. F. Hirtzel, O.B.E.

was then put and agreed to

The motion of the Hon'ble Mr Tarak Nath Mukerjea that the Bengal Tanks Improvement (Amendment) Bill, 1944, be referred to a Select Committee, as amended, consisting of—

(1) Kazi Abul Masud,
(2) Mr. Abdur Rashid Mahmood,
(3) Maulvi Abdul Jabbar,
(4) Maulvi Md. Mozammel Huq,
(5) Babu Madhusudan Sarkar,
(6) Babu Kshetra Nath Singha,
(7) Sj. Manindra Bhusan Sinha,
(8) Sj. Narendra Nath Das Gupta,
(9) Maulvi Abdul Wahed,
(10) Dr. Gobinda Chandra Bhawmik,
(11) Babu Narendra Narayan Chakrabarty,
(12) Mr. M. A. F. Hirtzel, O.B.E., and
(13) the Hon'ble Minister in charge of the Revenue Department (the mover),

with instructions to submit their report by the 1st March, 1945. The number of members whose presence shall be necessary to form a quorum shall be five, was then put and agreed to.

Amendments to the Motor Vehicles Rules.

Dr. NALINAKSHA SANYAL: Sir, may I at this stage remind you of the necessity of placing before the House the proposed amendments to the

Motor Vehicles Rules? If this is not done, as proposed by Khan Bahadur Mohammed Ali, the Rules, I am afraid, will be *ultra vires* because it will infringe the provisions under section 133(*3*) of the Motor Vehicles Act.

Mr. DEPUTY SPEAKER: How can I help you? Possibly the matter will go to some other place and you have made a reference to that.

Dr. NALINAKSHA SANYAL: I made a reference earlier also and some promise was given, but still the placing of the rules is held up. That shows inefficiency of the Government.

Prorogation.

Mr. DEPUTY SPEAKER: I have it in command from His Excellency the Governor that the Bengal Legislative Assembly do stand prorogued.

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